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THE

# Sons of Liberty

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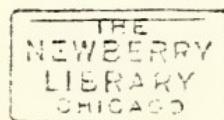
**NEW YORK.**

—  
A PAPER

READ BEFORE THE NEW YORK HISTORICAL SOCIETY,

May 3, 1859.

—  
BY HENRY B.<sup>SON</sup> DAWSON.



Printed, as Manuscript, for Private Circulation.

1859.



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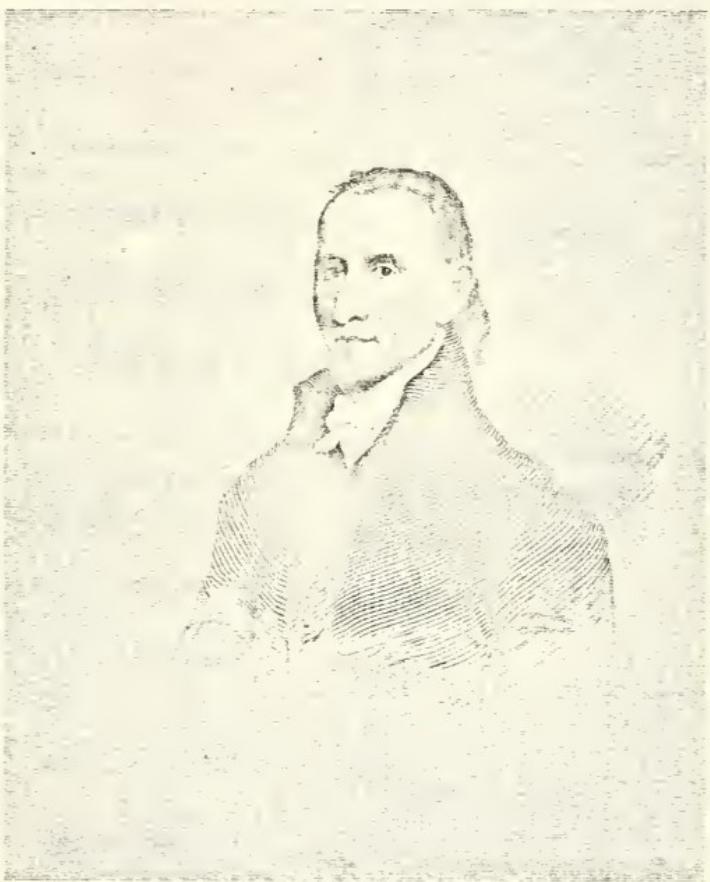




for L T Valentines Manual 1861

Portrait of the Great Grand Father of  
JOHANNIS DE PEYSTER  
the first of this family in New York.





Engd by J Rogers

M. Wellet



Mr. William Menzies  
with the regards of  
Morrisania, Jan. 29. '61

*Henry B. Dawson*

To FREDERIC DE PEYSTER, Esq.:

*Late President of "The St. Nicholas Society."*

NOW SECOND VICE-PRESIDENT OF THE NEW YORK HISTORICAL SOCIETY:

A LINEAL DESCENDANT OF

Johannes de Peyster,

Whose sturdy opposition to the oppressions of the King of Great Britain,  
at the head of the Merchants of the City of New York, in 1664-75,  
formed one of "the small beginnings" of the American Revolution:

AS A MEMENTO OF PERSONAL RESPECT.

THIS LITTLE WORK IS INSCRIBED,

BY HIS FRIEND,

THE AUTHOR.

Greenburg, N. Y., May 25, 1859.





for J. Valentine's Sons. 184

Portrait of the Great-Grand Mother of  
**JOHANNIS DE PEYSTER**  
the first of this family in New York.



*New York Historical Society.*

FOUNDED 1804.

At a stated meeting of the Society, held at the Library, on Tuesday evening, May 3d, 1859, the paper of the evening, entitled "SONS OF LIBERTY IN NEW YORK," was read by Mr. HENRY B. DAWSON.

On its conclusion, Dr. JOHN W. FRANCIS submitted the following resolution, which was adopted:

Resolved, That the thanks of the Society be presented to Mr. HENRY B. DAWSON, for his highly interesting paper read this evening, and that a copy be requested for the archives of the Society.

Extract from the Minutes.

ANDREW WARNER,

*Recording Secretary.*



## SONS OF LIBERTY IN NEW YORK.

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It is a singular fact, Mr. President, that while the war of the American Revolution is, generally, familiar to every one, the Revolution itself, which preceded and produced that war, is comparatively unknown and uncared for. In fact, the scene of every battle and skirmish has become holy ground: the glorious deeds of Washington and Greene, of Wayne and Henry Lee, of Davie and Marion, have become the theme of general admiration; and, in the absence of more prominent objects, even the apocryphal fame of the blusterers of that era has received a share of that applause which has been intended for the merits of another and better class of men. In the midst of all this veneration, on the part of the people, the bloodless conflict of principles, which had estranged an intelligent and loyal people from its Sovereign and from the homes and graves of its ancestors, has been, generally, forgotten; and, with here and there an exception, the names as well as the patriotic devotion of James Otis, Joseph Warren, Paul Revere, and Benjamin Edes, of Boston; of Jonathan Sturges, of Fairfield; of John Durkee, of Norwich; of Jeremiah Van Rensseler, Myndert Rosebaum, and Thomas Young, of Albany; of John S. Hobart, of Huntington, L. I.; of William Livingston, John Morin Scott, William Smith, Isaac Sears, John Lamb, Robert Benson, Egbert Benson, Frederic Weissenfels, William Wiley, Gershom Mott, Alexander McDougal, Alexander Hamilton, Joseph Allicocke, and Marinus Willett, of the city of New York; of Rev. Daniel Hendrickson, Peter Imlay, Jr., and Peter Covenhoven, Jr., of Freehold; of William Bradford and Isaac Howell, of



Philadelphia; of Thomas Chase, Robert Adair, and Patrick Allison, of Baltimore; of William Paca, Samuel Chase, and Thomas B. Hands, of Annapolis; and of their correspondents and co-workers throughout other parts of the country, have been lost sight of and entirely neglected.

A running survey of some of these lost ones—*the Sons of Liberty in New York*—is the subject of this paper; and I bespeak for them, in advance, a portion of that respect which has been too long directed toward other and less worthy objects.

“*The Mother Country*,” as our English friends still take pleasure in calling themselves, and her twelve trans-Atlantic daughters—to say nothing of “the stranger within her gates,” at the mouth of the Hudson—never lived in harmony, or displayed much regard for each other’s comfort or happiness. On the contrary, it was, emphatically, *an unhappy family*: and, as is generally the case when the conservative, but obsolete, ideas of the parents fail to keep up with, or offer opposition to, the radically progressive sentiments of the children, the nervous American daughters, and the equally sensitive Dutch handmaiden, were never firmly bound, either by affection or ideas of interest, to their avaricious English mother and mistress. In short, dropping the simile, the history of the Colonies on the Atlantic seaboard, with a single exception, presents but little else than a series of conflicts between the government or its officers on the one hand, and the Colonies or their chosen representatives on the other, for the protection of the privileges which they or their fathers had possessed “at home,” before they emigrated; which they had not alienated or enfeoffed by their removal to America; and which, as they maintained, they continued to hold without forfeit or abatement.



From Massachusetts to Georgia, with rare exceptions, "the chartered privileges" of the Colonies were the great subject of contention ; and, falling back on Magna Charta, admitting the supremacy of the Parliament—in which they were unrepresented—and recognizing the grace of the King—as embodied in their charters—as the foundation of their political rights, the colonists battled manfully, as many of their ancestors had done in the days of the first Charles, for the redress of their grievances, and for "their rights as Englishmen."

While this contest for "privileges" was being waged by the twelve English Colonies, another, not less important than this, was in progress in another part of America. Another Colony, more impatient of control than either of the others, was struggling in the midst of them for a higher and holier purpose; and was wielding a blade of more exquisite temper than the weapons of any which the others possessed. Of foreign origin, "the rights of Englishmen" were not the birth-right of *her* sons; nor did the Magna Charta afford a protection to *her* against the tyranny of the Sovereign whose individual property she was, by right of conquest. Possessing none of the rights of local legislation, except so far as the King or his grantee, *ex gratia*, allowed it, nor then without a veto power reserved to himself; and governed, almost entirely, by laws which had been dictated, without the assistance of any popularly constituted legislative body whatever, she could not, reasonably, claim "a vested right" to representation before taxation; nor could she, consistently, plead for her "right" to an impartial Judiciary, while the King controlled, legally, and without restraint, the fountains of justice within her boundaries. Heaven had permitted the issue of "royal charters" to the twelve, as a protection against the aggressions of the



King and the Parliament; but to the thirteenth—our own New York—that safeguard had been denied, that, being unincumbered with the concessions which her “privileged” neighbors had made to the King and the Government, she might strike for “*Independence*” and “*the rights of man.*” and lead the column to victory.

Originally a Colony of Netherlanders, in August, 1664, the *Nieuw Nederlandts* passed into the hands of the King of Great Britain and of his grantee, the Duke of York; and, since that time it has been known as NEW YORK.<sup>1</sup> “If we except Jamaica, this was the first Colony which had been gained by the valor of Englishmen; and now the Sovereign acquired all the rights of a conqueror, bounded only by the principles of humanity and by the terms of the capitulation, agreeably to the law of England, as defined by Sir Edward Coke. ‘that where a country is conquered by the English arms, the King may exercise over it a legislative authority, and may establish such a constitution as he may think prudent.’”<sup>2</sup> At the same time, “the Duke of York,”—the King’s grantee—“animated by his peculiar principles, and impressed with an opinion that he was invested, by his patent, with *regal* authority, had conferred all his powers on his deputy”;<sup>3</sup> and that officer, Col. Richard Nicolls, stood before the sturdy burghers of this city, endowed with all the legal attributes of a perfect despot.<sup>4</sup> It is indeed true that soon

1 Articles of Capitulation. “August the 27, old style, 1664.”

2 Case of Calvin.

3 Chalmers’ Political Annals, Ed. London, 1780, p. 574.

4 “He erected no courts of justice, but took upon himself the sole decision of all controversies, whatsoever. Complaints came before him by petition; upon which he gave a day to the parties, and, after a summary hearing, pronounced judgment. His determinations were called ‘*Edicts*,’ and were execu-



afterwards, "in all the territories of his Royal Highness, liberty of conscience," to a limited extent, "was allowed, provided such liberty was not converted to licentiousness, or the disturbance of others in the exercise of the Protestant religion";<sup>1</sup> that "the several townships *had liberty* to make their peculiar laws, and decide all small cases within themselves";<sup>2</sup> and that Nicolls, soon after the conquest,<sup>3</sup> "prudently copying what had been already established by the Dutch, erected a 'Court of Assizes,'"—composed of himself and his Council, together with the Justices of the Peace in the city of New York—in which was vested, not only Judicial powers, but, to a limited ex-

ted by the sheriffs he had appointed. It is much to his honor, that notwithstanding all this plenitude of power, he governed the province with integrity and moderation."—(*Smith's History of New York*, ed. 1829, I., p. 37.)

1 "The Conditions for New Planters in the Territories of his Royal Highness the Duke of York," by Gov. Nicolls.

2 *Ibid.*

3 The date of the organization of the Court of Assizes is a matter of dispute. Smith (*History of New York*, ed. 1829, I., p. 42) attributes it to the era of Gov. Lovelace, who succeeded Gov. Nicolls; Wood (*History of Long Island*, ed. 1828, p. 90, note,) says "This is a great mistake. It was established by Nicolls in the code he had compiled for the government of the Colony, and published at Hempstead, March 1, 1665." Others, following these authorities, have adopted one or other of these theories; but I believe the provisions of "the Duke's Laws", relate only to *the regulation of the sessions* of a "Court of Assizes," which had been previously organized by order of Gov. Nicolls. The terms of the Code—inasmuch as the organization of a new Court is not alluded to, as the members of the Court are not designated, as the character and extent of its authority are not defined or mentioned, and as the number of its sessions and time and place of its meetings are the only subjects of its provisions (*Article "Assizes," Duke's Laws*)—if I interpret their meaning correctly, do not establish a "Court of Assizes," but merely regulate one which was already in existence, and whose sessions, by that act, were *reduced in number* ("shall be held BUT once in the year"). I respectfully submit that the Dutch original, which Chalmers says Nicolls "prudently copied," can be found in the Court of Director General and Council, whose Minutes are in the office of the Secretary of State, at Albany.



tent, legislative powers also.<sup>1</sup> But it is equally true that the Duke's "deputy" was the only source of official authority in the Colony; that this "Court of Assizes" was his creature, and was responsible only to him; that the legislative powers which it possessed extended only to the *privilege of recommending measures to the Duke for his enactment*, "without whose approbation they acquired but little authority";<sup>2</sup> that the Code of Laws by which the Colony was governed was "established by the authority of his Majesty's Letters Patent, granted to his Royal Highness James, Duke of York and Albany," and published "*by virtue of a Commission*" from that Prince, without the recognition, on his part, of any rights of legislation whatever, either in the people, the Court of Assizes, or of any other body whatever;<sup>3</sup> that taxes were raised by warrants issued annually from the Governor and his Council to the High Sheriff, on assessments which were made by the constables and overseers of the several towns, all of whom were responsible only to the Governor, who appointed them, and not, in the remotest degree, to the people among whom they exercised authority;<sup>4</sup> that import duties were levied by special orders from the Duke;<sup>5</sup> and that commercial intercourse with any

1 "Answers to the severall Queeries relating to the Planters in the Territories of His R. H.'s, the Duke of Yorke, in America," made by Gov. Nicolls, July, 1665; Chalmers, p. 575.

2 Chalmers, p. 574.

3 Title of the Code, known as "The Duke's Laws."

4 Duke's Laws, title, "*Public Charges.*"

5 "Reply to the Peticon of the Farm<sup>rs</sup> of Y<sup>r</sup> Mat<sup>rs</sup> Customes," *N. Y. Papers*, I., 92; "Instruccrons for Edmud Andros, Esq<sup>r</sup>, my L<sup>t</sup> Governt of Long Island," &c., dated July 1, 1674; Duke of York to Gov. Andros, Jan. 28, 1676; the same to same, May 7, 1677; Warrant to Gov. Andros, 18th May, 1678; Duke of York to Lient. Gov. Brockholst, 28th March, 1682; Commission of Lucas Santen, to be Collector of the Port at New York, 17th Feb., 1683.



other country than England, notwithstanding the sixth article of Capitulation guaranteed free commerce with Holland, was strictly forbidden.<sup>1</sup> What "rights of Englishmen," or which of the provisions of Magna Charta the people of New York enjoyed, while this government existed, is a question which is easier asked than answered; and yet, who can say there was the least illegal usurpation of power? It was a conquered people, and, as Sir Edward Coke said, "the King could exercise over it a legislative authority, and establish such a constitution as *he* might think prudent."

The people never regarded this government with any affection; and, under the leadership of the fearless Peter Stuyvesant, they soon demanded the rights to which they were entitled under the provisions of the articles of capitulation. So sensitive, indeed, were they, that, in October, 1664,—less than two months after the surrender of the city to Col. Nicolls,—the Burgomasters and principal inhabitants of the city refused to take the oath of allegiance to the Duke and the King, until the provisions of the Articles of Capitulation—among which was the right of "a voice in all public matters," through their own freely elected Deputies—had been reaffirmed and secured by the Governor; and, from that time, they steadily persisted in demanding the recognition of their rights to participate in the government;<sup>2</sup> ceasing to pray for

<sup>1</sup> Orders in Council, Nov. 18, 1668.

<sup>2</sup> It is a favorite theory with some, that the Dutch, in New York, were weary of the government of their Fatherland; and that they gladly availed themselves of the opportunity which was afforded, by the arrival of Col. Nicolls, to throw off the yoke. In denying this, I need only refer, for evidence, to the steady opposition which the burghers presented to Nicolls when he attempted to secure their adhesion to the Crown of Great Britain,



that power only when the "Charter of Liberties and

in October, 1664—less than two months after the conquest—of which the following is the record; *now printed for the first time*:

"Friday, 14th Octob., 1664, at One o'clock in the afternoon, being sent for, have appeared at this City Hall—

Pieter Tonneman, Paulus Leenderzen Vander Grist, Cornelis Steenwyck, Tymotheus Gabry, Isaiae Grevenraat, Nicholaas de Meyer, Allard Antony, Joannes de Peister, Jacob Kip, Jacques Conscean, Isaiae de Foreest, Jeronimus Ebbinek—

Burgomasters reporting that the H<sup>r</sup> Governour Richard Nicolls had, the evening previous, ordered that he shd appear in person to take the Oath, and with that view that Burgomasters should summon to this City Hall the Magistracy of this City and Some of the Principal Inhabitants. After which the Heer Governour Nicolls appeared in person, with his Secretary, in this City Hall, enquiring where the Heer Petrus Stuyvesant, Secretary van Ruyven, & the Preächers were? It was thereunto answered, that it was not known that they should have been sent for. To which the H<sup>r</sup> Governour Nicolls said, that they should be sent for. Who being invited they immediately came.

The H<sup>r</sup> Governor Nicolls requests of the present Assembly to take the following Oath:

"I swear by the name of Almighty God that I will be a true Subject to the king of great Britain, and will obey all such commands as I shall receive from his Majestie, his Royall Highnesse James Duke of York; And such governors and officers as from time to time are appointed over me by his Authority. And none other whil'st I live in any of his Majesties territories. So help me God."

[Here follows in the original a translation of the above Oath into Dutch.]

The preceding Oath being read to the Meeting by the H<sup>r</sup> Governour Nicolls, divers debates occurred thereupon by some of the Assembly. Finally all in the meeting roundly declared that they could not take such Oath, unless the H<sup>r</sup> Nicolls should please to add to the said Oath—"Conformable to the Articles concluded on the Surrender of this place"—as they feared by taking such Oath they might nullify or render void the articles.

Then D<sup>e</sup> Megapolensis and Secretary Van Ruyven stated that they saw no impediment to taking such Oath. Nevertheless divers words occurred over & hither thereupon, after which the H<sup>r</sup> Governour Richard Nicolls finally departed with his Secretary from the Meeting. The Assembly also then adjourned.

On the Tuesday following, the Burgomasters went with the Treasurer's Book of the City accounts to the H<sup>r</sup> Governour Richard Nicolls, and placed the same in his hands, together with the Bond granted to the City by the late Heeren Director General and Coucil. After which divers debates arose on both sides in presence of Col. Cartwright and Mr. Thomas Willet



Privileges," which was passed October 30, 1683, secu-

regarding the Oath, and then the Gouvernour said that the Commonalty were greatly distracted by some. Burgomasters thereupon declared that they had no knowledge thereof, and persisted again that they could not take the Oath before and until it was thereunto added—"Conformable to the Articles concluded at the Surrender of this place." Whereupon the H<sup>r</sup> Gouvernour exhibited and delivered to the Burgomasters the following writing:—

"Whereas there is a false and Ininrious aspersion cast vpon the Oath of Obedience to his Mat<sup>e</sup> his Royall Highnesse the Duke of Jorek and the Governor and Officers appointed by his Mat<sup>e</sup>s Authoriti and that some persons have maliciously sought to distract the mindes of the Inhabitants of Neu Joreke by suggesting that the Artycles of peace so late and Solemly made, signed and sealed, were intended by that Oath to be made Null and of none effect, to the end that such wicked practises may not take the effect for wh<sup>ch</sup> they are designed, and that all nou under his Mat<sup>e</sup>s obedience as denizens of his towne, may be undeeceived, & not give any longer creditt to the disturbers of the peace of thic Government: I doe thinke fitt to declare that the Articles of Surrender are not in the last broken or intended to be broken by any werdes or expressions on the said Oath, and if any person or persons hereafter shall prsunne to give any other construction of the soind Oath than ie herein declared, I selal ac-compt hnn or them disturbers of the peace of his Mat<sup>e</sup>s subjects, and pro-eede accordingly. I doe further appoint and order that thi declaracion hee for thicith [*forthwith*] read to all the Inhabitants and Registered: as also that every denizen under my Gonernent doe take the said Oath who intend to Remane here under hie Mat<sup>e</sup>s Obedience. Given under my hand thi eighteenth day of Octob., in the yeare of our Lord God, 1664: was signed  
Richard Nicolls.

At the side stood

"To the Burgomast<sup>rs</sup> and other the Magistrates of New Joreke."

[Here follows a translation of the above into Dutch.]

This date 20th October, 1664. In this City-hall Assembled.

Pieter Tonneman, Paulus Leenderts Vander Grist, Cornelis Steenwyck, Tymotheus Gabry, Isaiae Greveuraat, Nicolaas de Meyer, Allard Anthony, Joannes van Brugh, Joannes de Peister, Hendrick Janzen van der Vin, Jacob Kip, Hendrick Kip, the Elder, Jacques Conssean, Jeronimus Ebbinck, Govert Lockermans, Isaack de Foreest, Jan Vinge.

The proceeding<sup>s</sup> which took place as well on the 14th October as afterwards, and the writing of the Heer Gouvernour Nicolls being read to the Meeting, it was asked whether the aforesaid Oath could not be taken, inasmuch as the H<sup>r</sup> Nicolls stated in writing that the Articless of the Surrender of this place are not broken in the least, Nor intended to be broken? Whereupon it was universally resolved in the Affirmative, provided the above named Heer Gouvernour Nicolls shall seal his given writing. Then



red to them, an appearance at least, of the desired privilege.<sup>1</sup>

I am aware, sir, that many consider the "Duke's Laws," as they are called, to some extent, at least, the work of the people, and that this Code furnishes evidence of the existence of a popularly constituted legislative body in the earliest days of the English authority in New York. I trust the Society will pardon me if I give, briefly, the reasons which induce me to differ from those who have preceded me. The Code known as the "*Duke's Laws*" was promulgated, as it had been enacted, by the sole authority of the Duke,<sup>2</sup> at a Convention of Delegates from the Long Island towns, which had been convened at Hempstead, in March, 1665,<sup>2</sup> and, by the same authority, it was subsequently amended, in September and October 1665,

the H<sup>r</sup> Tonnenman says he cannot give his advice thereupon as he intends to depart for Holland with the ship lying ready to sail."

I certify the foregoing to be a true copy of the original Minutes on file in my office. June 22d, 1859.

D. T. VALENTINE, Cl. C. C.

For additional evidence, let the remonstrance of the burghers on the change of the municipal form of government, by Gov. Nicolls, in June, 1665; the memorials of Peter Stuyvesant to the King and to the Duke, October, 1667; the memorials of Olive Stuyvesant Van Cortland, and others, to the Duke and the King, in December, 1668; and the correspondence between Gov. Nicolls and the Duke of York and Sir John Werden, the Duke's Secretary,—especially Sir John's letter of Sept. 15, 1675,—be examined. In that letter, Sir John wrote to Gov. Andros,—in reference to the proceedings against Cornelius Steenwyck, Joannas Van Brugh, Joannas de Peyster, Nicholas Bayard, Egidius Luyck, William Beeckman, Jacob Kip, and Antonius de Mill, who had declined, a second time, to take the oath of allegiance, unless the Governor renewed the explanation which Gov. Nicolls had given in 1664,—as follows: "I have communicated to his R. H. your Ire. of the 20th of Aprill, 1675, w<sup>th</sup> y<sup>e</sup> copies of y<sup>e</sup> proceedings meneoned in y<sup>e</sup> 3<sup>d</sup> paragraph of it, relateing to y<sup>e</sup> tumultuous meetings of some of y<sup>e</sup> cheife of y<sup>e</sup> Dutch in yt city," &c.

1 This "Charter" is copied, at length, into the Revised Laws of 1813, Vol. II., Appendix II.

2 Title of "*The Duke's Laws*."



October 1672, and October 1675;<sup>1</sup> and, finally, the same law-making power, without any participation therein by the people or the Court, re-enacted "the Duke's Laws," by *an order* to that effect, which was addressed to Sir Edmond Andros, in August 1674,<sup>2</sup> all of which is entirely inconsistent with the legal existence and authority of such a popular law-making power as that in question. The uneasiness of the people, also, furnishes additional evidence that this Code of 1665 had not been enacted by a popularly constituted body, and that they were not consulted in the formation of those laws which were, for some years afterwards, enacted and promulgated.

On the 3th April, 1675, the Duke, in answer to a letter which he had received from Gov. Andros, writes to that officer, "touching Generall Assemblyes w<sup>ch</sup> y<sup>e</sup> people there seeme desirous of imitacon of their neighbour Colonies," and tells him, "I thinke you have done well to discourage any mocon of y<sup>t</sup> kind, both as being not at all comprehended in yo<sup>r</sup> Instructions nor *indeed consistent w<sup>th</sup> y<sup>e</sup> forme of governm<sup>t</sup> already established*, nor necessary for y<sup>e</sup> ease or redresse of any greivance y<sup>t</sup> may happen, since y<sup>t</sup> may be as easily obtained, by any peticon or other addresse to you at their Generall Assizes, (w<sup>ch</sup> is once a yeare,) where the same persons (as Justices) are usually present, who, in all probability, would be their<sup>e</sup> Representatives if another constitucon were allowed." In January, 1676, the Duke, speaking of letters which he had "formerly writt touching Assemblyes in those countreys," says to his faithful deputy, Andros,<sup>3</sup> "I cannot but suspect

1 Vide the Preambles of the amendments.

2 "Order to put the Duke's Laws in force in New York," Aug. 6, 1674.

3 The Duke to Gov. Andros, Jan. 28, 1676.



they would be of dangerous consequence, nothing being more knowne then the aptness of such bodyes to assume to themselves many priviledges w<sup>ch</sup> prove destructive to, or very oft disturbe, the peace of y<sup>e</sup> governm' wherein they are allowed." In April, 1678, Gov. Andros reported<sup>1</sup> that "the Court of Admiralty hath been by speciall Comission or by the Court of Mayor & Aldermen att New Yorke," and that "the cheife Legislatiue power there is in the Governo<sup>r</sup> with adviece of the Councell." On the 29th June, 1681, the General Assizes—including the Governor, the Council, the Mayor and Aldermen of this city, the High Sheriff, and the Grand Jury—petitioned the Duke, in the most humble terms, for a General Assembly for purposes of Legislation.<sup>2</sup> On the 27th of January, 1683, moved by these continued appeals, and fearing the resentment of the people, the Duke instructed Gov. Dongan, "in his name, to issue out Writt<sup>s</sup> or warr<sup>s</sup> of Summons to y<sup>e</sup> sevall Sherifffes or other Offic<sup>s</sup> in every part of yo<sup>r</sup> said governemt wherein you shall expresse that *I have thought fitt* that there shall be a Gen<sup>l</sup> Assembly of all the Freeholders, by the p<sup>r</sup>sons who they shall choose to rep<sup>r</sup>sent y<sup>m</sup>, in ord<sup>r</sup> to consulting w<sup>th</sup> yo<sup>r</sup> selfe and the said Councill what laws are fitt and necessary to be made and established for the good weale and governemt of the said Colony and its Dependencyes, and of all the inhabitants thereof."<sup>3</sup> And, finally, *pursuant to these instructions*, writs of election were

1 Answers to enquiries about New York, April 16, 1678.

2 "The humble petition of the Council of the Province, the Aldermen of New York, and of the justices, assembled at a special Court of Assize held at the city of New York, June 29, 1681." Signed "By order, John West, Clerk of Assize."

3 "Instructions for Coll. Thomas Dongan, Lt. and Govr. of New Yorke, &c." 27 January, 1683.



issued, and the Assembly convened, for legislative purposes, 17th October, 1683,<sup>1</sup>—seventeen years after the date of the alleged popular Assembly of Delegates at Hempstead, where, it is asserted, this identical privilege had been exercised by the people; during which period, also,—if the suppositions of Chalmers and others are correct—the people were praying for a privilege which they already enjoyed, and the Duke was steadily opposing the grant of that which he had already conceded. For these reasons, Mr. President,—and others which I cannot name at this time,—I am constrained to differ from those who have preceded me, and to regard the “Duke’s Laws” as the edicts of an absolute and arbitrary power; the Instructions given by the Duke to Gov. Dongan as the first legal and authorized concession of the Proprietor of the Colony to the popular demand for the right of self-government; and the Assembly of October, 1683, as the first session of the first Assembly of the People in the Province of New York.

Nor am I less inclined to dispute the title of the alleged instrumentality, through whom this concession was secured, than the time when it was effected. It is a favorite theory, Mr. President, that the people on the east end of Long Island were the steady opponents of the despotism of the Proprietor of the Colony and his deputies; and that to *them* the Colony was chiefly indebted for the concession of the right of self-government. It is true, as claimed, that on the first of March, 1665, a convention of delegates from each town on Long Island assembled at Hempstead; and that, at that time and place, “*the Duke’s Laws*,” so called, were promulgated; and it is, doubtless, also true that when Gov. Dongan traveled through the Island, on his way to his

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1 Smith’s New York, I. p. 59.



government, in 1683, he heard complaints and witnessed great dissatisfaction among the people.<sup>1</sup> But here, so far as I have seen them, the record of their opposition to *the government* ceases, although their antipathy against the Dutch in this city and neighborhood finds frequent mention in the pages of the archives. On the other hand, I submit that this Convention at Hempstead was composed of delegates who had been assembled, nominally, to settle the boundaries and local differences which existed between the towns on Long Island, but really for the convenience of the Governor in securing the allegiance of that people to the Duke's government; that it possessed no authority whatever, except for the local purposes for which it had been convened;<sup>2</sup> and, even on that subject, its authority was binding only within the towns of Long Island, from which, alone, any delegates had been ordered or sent; that embracing the opportunity which the occasion afforded—if that was not the *real* object of the Convention<sup>3</sup>—Gov. Nicholls there  *promulgated* the Duke's Code, “*by virtue of a Commission from His Royall Highness*”;<sup>4</sup> and that he never asked, and the Convention never claimed, a vote or any other action

1 Address of the inhabitants of East Hampton to Gov. Dongan, Sept. 10, 1783.

2 “The good sense of Nicolls induced him to call together two deputies from every township, in order to settle late controversies, to prevent new ones.” (*Chalmers*, p. 577.) “History declares that they were called for the special purpose of settling the boundaries of townships, though that probably was made the pretence, whilst the real design of Nicolls was to procure a declaration of submission to his master.” (*Ibid*, p. 578.) “The design of their meeting was to adjust the limits of their townships, for the preservation of the public peace.” (*Smith's History of New York*, Ed. 1829, I., p. 36.)

3 Chalmers, p. 578.

4 Title of “*the Duke's Laws*,” published March 1, 1665, and reprinted in *The Collections of the New York Historical Society*, Vol. I., p. 307.



of the delegates on that subject.<sup>1</sup> I submit, also, that, on the same day, the same Convention—so far from claiming a right to participate in the enactments of any Laws, or in any other act of self-government—“most humbly and thankfully acknowledged, to His R. H<sup>e</sup> the great honour and satisfaction they received in their dependence upon His Royall Highness”; and they “publikely and unanimously declared their cheerfull submission to all such Lawes, Statutes, and Ordinances which were or should be made by virtue of authority from him, his heires or successors, for ever”;<sup>2</sup> and I feel it my duty to say, that I have failed to find any satisfactory evidence of the existence of a different sentiment, among the people of these towns, until some time afterwards, when the arbitrary measures of the Duke’s Government had forced them into a similarity of action with that of their neighbors in this city.<sup>3</sup> On the other hand, a large and

1 Some dissatisfaction having been expressed by the constituents of the Delegates, a “Narrative and Remonstrance” was issued by some of them, on the 21st June, 1666, in which a detailed statement is made of the proceedings of the Convention; yet there is not the least possible allusion to an exercise of any *power* by those gentlemen who had assembled at Hempstead. They say “HE” (*Gov. Nicolls*) “had prepared a body of general laws *hereafter to be observed*; *the which he delivered to us*,” &c., that while they “objected against some and proposed other clauses in the laws,” THEIR *action on this subject ceased there*, and the Governor “made several amendments,” with “assurances” respecting future “tenders” of “alterations,” which might be made to the Sessions by the towns.

2 “Address of the Deputies assembled at Hempstead, to his Royal Highness the Duke of York.”

3 Since this paper has been before the Society I have been favored, by my esteemed friend, George Henry Moore, Esqr., with the perusal of several interesting documents, connected with the early movements in the towns on Long Island: yet, notwithstanding their value in other respects, they do not supply sufficient evidence to convince me of the existence of any error in this conclusion. It is true that some persons in the towns referred to were dissatisfied with the action of the Delegates at Hempstead, in March, 1665; and that, soon afterwards, they commenced an agitation of the subject of their grievances; but it is equally true that, in this respect,



very influential party of Dutch, *in this city*, resenting the indignities which had been heaped on them, by the conquerors of the Colony, and smarting under the wanton destruction of their business with their Fatherland, which had been guaranteed to them by the Articles of Capitulation in 1664, openly and boldly refused to give in their allegiance to the King, until the Governor had given a written guarantee, over his hand and seal, of the reserved rights of the people.<sup>1</sup> Among the most obstinate of those who resisted, and one of the last who yielded, was Joannes de Peyster, the acknowledged head of this influential family;<sup>2</sup> while others of the same people, who had

they were then but feeble imitators of the Burghers of the city of New York, who, for some months, had been engaged in resisting the encroachments of the Government on the individual rights of the people of that place; and had not only bade defiance to the power of that Government, but had, also, compelled it to yield, by complying with their requirements. The one only prayed for the fulfilment of a specific, but disgraceful, agreement, by a successful ally: the other *refused obedience to the requirements of a conqueror*, when that obedience might be construed into a surrender of their *peculiar rights*—some of which (*Art. IX-XI of the Capitulation*) were inconsistent with the fundamental laws of England: while, under Art. XXI, of the same instrument, there had been secured to them the *peculiar privilege* of “*choosing Deputies*,” who should have “*a free voice in all public affairs, as much as any other Deputies*,”—and they openly resisted his power, compelled him to yield to their demands, and, ultimately, secured, by *special legislative enactment*, the great principles for which they had contended—even those which conflicted with the General Laws of Great Britain.

1. Proceedings of the Burgomasters and principal inhabitants of New York, at the City Hall, October 14, 1664, which have been copied at length on pages 13 and 14, note 2, of this work.

2. Mr. De Peyster was one of those who resolutely refused to take the oath in October, 1664, until Gov. Nicolls had given a written guarantee of the rights of the people, over his hand and seal; (*Vide page 14, note 1*) and, in 1675, he was one of the few who again refused obedience when Gov. Andros tendered a similar oath. (*Vide Memorials of Dutch Burghers to Gov. Andros, and to The States-General of Holland, 16th March, 1675.*)



taken the oaths, were not less disaffected to the government. In 1667, Governor Stuyvesant visited England; and, in behalf of his countrymen in New York, in October of that year, he petitioned the Duke and the King for a ratification of the Articles of Capitulation—which had become *the real Magna Charta of New York*—and for the redress of grievances;<sup>1</sup> in December of the following year, Olive Stuyvesant Van Cortlant, Gerritt Slicktenhorst, Jacques Conseau, Mathew Sternbergen, Nicholas De Meyer, Leysbert Blankerts, Stoffell Jansen, John Jansen, Koster Van Aken, Jacob Schermerhorn, John Van Balen, Herman Vedder, John Martens, Adrian Van Ilpendon, Jeronymus Ebbing, Margarita Phillipps, Janneti De Witt, His Ma<sup>ts</sup> sworne subjects of the Dutch Nation, Inhabitants of New Yorke in America, in behalf of themselves, and many more his Ma<sup>ts</sup> Loyall subjects, now resideing in New Yorke," likewise petitioned the King for a removal of impositions on their trade with Holland;<sup>2</sup> and, in 1669; the Corporation of this city, also pleading the Articles of Capitulation, united in a petition to the Duke for the same commercial privileges which other Colonies enjoyed.<sup>3</sup> In 1680, the

1 "Severall Proposalls humbly to be tendred to his Royall Highnes from Peter Stuyvesant, the late Governor of New Netherlands, in the behalfe of himselfe, & the Dutche Inhabitants there."

"To y<sup>e</sup> Kings most Excellt Mat<sup>ts</sup> & to y<sup>e</sup> R<sup>t</sup> hoble y<sup>e</sup> Lords of his Mat<sup>ts</sup> most hoble Privie Councell. The humble Peticon of Peter Stuyvesant, late Govornor of y<sup>e</sup> Citty and ffort called Amsterdam and Generall of y<sup>e</sup> New Netherlands, for and in behalfe of himselfe, and the Dutche Nacon, now Yor Mat<sup>ts</sup> subjects in New Yorke." "Read and ordered 23th October. '67."

2 "Petition of Olive Stuyvesant Van Cortlant & others, concerning sending a shipp to New York," read in Councill 11th Dr, 1668.

3 "The Humble petition of the Maior and Aldermen of New Yorke, in behalfe of themselves and the Rest of the Inhabitants of this place."



merchants of this city, the greater portion of whom were Dutch, or of Dutch descent, refused to pay customs which had been imposed by the Duke's officers;<sup>1</sup> and they discharged their cargoes in defiance of the Government,<sup>2</sup> arrested and tried the Collector of the Port,—who was also Mayor of the City,—and, when he challenged the jurisdiction of the Court, they sent him to England for trial, on a charge of treason.<sup>3</sup> From the Merchants of this city, the disaffection extended to others, in different parts of the Colony,<sup>4</sup> and the Revenues—that most vital part of the Duke's franchise—were almost wholly cut off; while the authority of the Courts,—so powerful was the opposition,—was openly defied. Capt. Brockholes, the Duke's Receiver-General, writing to Gov. Andros, Sept. 17, 1681, says, "Nothing was paid in by any, and though since I have done what was possible to gett the Excise kept up, my Endeavors therein have proved ineffectuall—the merchants takeing advantage of Courts who Being Scared Refuse to Justifie and maintaine my ord'rs." With these facts I respectfully submit the matter to the Society, believing that *to the Dutch and the Merchants of*

1 "The Bill found against Capt. Wm. Dyer," and "The Proceedings against Mr. Dyer, Collector of the Port of New York."

2 Colonial Documents, III., p. 289, note.

3 "Letter from the Court of Assizes, at New York, to the Secretary of State, 1681," "Mr. Wm. Dyer's petition to the King," &c.

4 In no part of the Colony was the opposition more strenuously maintained than in Ulster county, where some of the most wealthy and influential of the Dutch settlers peremptorily declined to take the oath as long as they lived. One of these was, *Tjerck Claus De Witt*, a magistrate, and the possessor of large estates, an ancestor of my friends C. J. and E. De Witt and William A. De Witt, Esqrs., of New York; and his property was saved from confiscation, after his decease, by his eldest son, who petitioned for, and obtained, the privilege of taking the oath, which his father had so steadily rejected.



*the city of New York*—whose fidelity to the Capitulation, and whose vigilant watchfulness in the cause of Freedom, at that early day, never faltered—the Colony is indebted for its first popular Assembly, and the country for many of the most substantial blessings, consequent on that concession, which it now enjoys. It has been well said, recently, in this connection, by a learned historian of New York,<sup>1</sup> that “the resistance offered, thus early, by the Merchants of New York, to *Taxation without Representation*, led to the introduction, soon after, of a representative form of government into the Province”; and he might have added, with equal propriety, that that measure was immediately hastened by the action of the Court of Assizes—six of the Judges of which, in addition to the body of the Grand Jurors, were also *Merchants of the city of New York*.<sup>2</sup>

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1 Dr. E. B. O’Callaghan, in his note to “The Bill found against Capt. Wm. Dyre.” (*Colonial Documents of New York, III.*, p. 289.)

2 On the 29th of June, 1681, “the council of the province, the aldermen of New York, and the justices assembled at a special court of assize, held in the city of New York,” humbly petitioned the Duke, *on a presentment of the Grand Jury, who had therein represented the great pressure and lamentable condition of His Majesty’s subjects in this your Royal Highness’ Colony, and also presenting*, for the only remedy and ease of those burdens, that an assembly of the people may be established by a free choice of the freeholders *and inhabitants* of this your Royal Highness’ Colony”; and the Court, finding itself “encouraged and obliged to concur with the said grand inquest, and in all submissive manner to prostrate ourselves at your Royal Highness’ feet, and represent the miserable and deplorable condition of the inhabitants of this your Royal Highness’ Colony, who, for many years past, have groaned under inexpressible burdens by having an arbitrary and absolute power used and exercised over us, by which a yearly revenue is exacted from us against our wills, and trade grievously burdened with undue and unusual customs, imposed on the merchandise without our consent; our liberty and freedom enthralled, and the inhabitants *wholly shut out and deprived of ANY share, vote or interest in the Government*, to their great discouragement, and contrary to the laws, rights, liberties, and privileges of the subject, so that we are



The privilege of a popular Assembly, which had been secured to the people of the Colony, after a struggle of twenty years, was enjoyed but for a very limited period. In February, 1685, the Duke ascended the throne, as the successor of his brother, Charles II: and on the 29th May, 1686, Governor Dongan was instructed to declare the Bill of Privileges, under which the Assembly was then held, "Repealed, determined, & made void,"<sup>1</sup>—the sole power of legislation being, thereby, transferred from the Assembly of the People to the Governor and Council. Other measures, equally oppressive, were ordered at the same time—the revenues being placed under the unlimited control of *the Governor*;<sup>2</sup> no taxes or imposts could be *reduced*;<sup>3</sup> no schoolmaster could keep school, unless he had received a license from *the Archbishop of Canterbury*;<sup>4</sup> no printing press could be kept for printing, "nor any book, pamphlet, or other matters whatsoever bee printed without the Governor's especial leave & license first obtained,"<sup>5</sup> "thus establishing a real tyranny," as Chalmers observes,<sup>6</sup> "and depriving the objects of it of the most powerful means of rendering it odious in the sight of mankind, and, consequently, less permanent. Thus," he continues, "deprived of an Assembly, was New York unhappily reduced, once more, to the condition of *a conquered province*."

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esteemed as nothing, and have become a reproach to the neighbors in other his majesty's colonies," &c., "which necessitates us, in behalf of this your Royal Highness' Colony, to become humble suppliants and suitors to your Royal Highness, praying," &c.

<sup>1</sup> Instructions to Gov. Dongan, 29th May, 1686, section 12.

<sup>2</sup> Ibid, section 20.

<sup>3</sup> Ibid, section 23.

<sup>4</sup> Ibid, section 38.

<sup>5</sup> Ibid, section 65.

<sup>6</sup> Political Annals, p. 588.



In 1689, in the exercise of those great fundamental privileges which have been so graphically described by Mr. Jefferson, in the introduction to the Declaration of Independence, and by the grace of God, rather than by that of the King, the people of New York summarily dismissed the royal government of Lieutenant-Governor Nicholson, and instituted a new one, under the leadership of a respectable merchant, named Jacob Leisler.<sup>1</sup> When it is borne in mind that the Colony had been governed, during the preceding four years, under the instructions which the Duke had given to Governor Dongan, to which I have referred; and that the Lieutenant-Governor, a few days before, had been heard to assert "that the people of New York was a conquered people, without claim to the rights of Englishmen ; and that the Prince might lawfully govern the Colony by his own will, and appoint what laws he pleased," the cause and the purposes of this local revolution will be understood ; and the character of New York, and her progress in the development of the political rights of her people, can also, therefrom, be readily determined.

In 1691, still anxious to secure to the people, under William and Mary, what James had refused to ratify, the Assembly passed "An Act declaring what are the Rights and Privileges of their Majesties' Subjects inhabiting within their Province of New York,"<sup>2</sup> among which was the declaration—

"That the supremal Legislative Power and Authority, under their Majesties, *William and Mary*, King and Queen of *England*, &c, shall forever be and reside in

<sup>1</sup> Smith's New York, I., pp. 89-97; Documents on the subject in the Documentary History of New York, Vol. II.

<sup>2</sup> Journal of the General Assembly of New York, Die Martis, 2 ho. P. M., April 28, 1691.



a Governor in Chief and Council appointed by their Majesties, their Heirs and Successors; and the People, by their Representatives, met and conven'd in General Assembly"; and another, providing "That no Aid, Tax, Talliage or Custom, Loan, Benevolence, Gift, Excise, Duty or Imposition whatsoever, shall be laid, assessed, imposed, levied or required of or on any of their Majesties' Subjects within this Province, &c. or on their Estates, upon any manner of Colour or Pretence whatsoever, but by the Act and Consent of the Governor and Council, and Representatives of the People in General Assembly met and convened."<sup>1</sup>

In terms such as these, the most loyal of the people of New York, as early as 1691, maintained the great principles of 1765 and of 1776; but their Majesties—like their tyrannical predecessors—witnessed every encroachment on their prerogative with alarm, and the Act was vetoed<sup>2</sup>—again destroying the young bud of freedom, but still leaving "the root of the matter," deeply seated, in the breasts of the people.

In 1704, the unprincipled Lord Cornbury renewed the strife on the part of Queen Anne, by declaring that he "knew of no rights which the Assembly possessed, as such, but such as the Queen was pleased to allow it";<sup>3</sup> and the Assembly was not backward in resenting the insult.<sup>4</sup> Knowing the unprincipled avarice and the dishonest practices of the Governor, in his propensity

<sup>1</sup> The Laws of Her Majesties Colony of New York: *Bradford's Edit.*, N. Y., 1710, pp. 2, 3.

<sup>2</sup> Laws of New York, from the year 1691 to 1751. (Livingston & Smith's Ed., N. Y., 1752.) P. 5.

<sup>3</sup> Speech of Lord Cornbury in the Journals of the General Assembly of New York, *Die Joris, 9 h. A. M., June 1, 1705.*

<sup>4</sup> Address of the General Assembly to the Governor, in the Journals of the General Assembly, *Die Joris, 9 h. A. M., June 8, 1704.*



for plunder, the purse-strings of the Colony were also drawn tighter than ever;<sup>1</sup> and, for the extraordinary supplies which were voted in the following year,<sup>2</sup> a special treasurer, who was responsible only to the Assembly, was appointed at the same time,<sup>3</sup> and afterwards secured by royal concession.<sup>4</sup>

In 1707, when Francis Makemie and John Hampton, two Presbyterian ministers, were arrested for preaching without a license from the Governor, and justified themselves under the English law, known as "the Act of Toleration", they were told that the provisions of that Act were limited to England; that the Queen's ecclesiastical authority, in the Colonies, was supreme; and that it had been delegated by her to the Governor, whose license had not been obtained, either for the preachers or the house in which they had ministered. Hampton was liberated before trial; but the case of Makemie was submitted to a jury of the people, when the law as well as the fact was adjudicated, and the prisoner acquitted, in defiance of the ecclesiastical pretensions of the Governor and the Queen, and in consonance with that "freedom of conscience," which had, from the earliest days, been the privilege of every resident of the Colony.<sup>5</sup>

1 The House steadily refused to allow the Council to interfere with, or amend, any "Money Bills." (*Journal of the Assembly, June 10 and June 15, 1704.*)

2 *Journal of the General Assembly, June 15 and June 18, 1705.*

3 *Journal of the General Assembly, June 20, 1705.* It appears that the Treasurer, thus appointed, was Col. Abraham de Peyster, the eldest son of Joannes de Peyster.

4 *Speech of Lord Cornbury* in the *Journal of the General Assembly, Die Veneris, 11 ho. A. M., Sept. 27, 1706.*

5 A Narrative of a New and Unusual American Imprisonment of Two Presbyterian Ministers, and Prosecution of Mr. Francis Makemie, one of them, for preaching one sermon in the city of New York. Reprinted N. Y., 1755, pp. 52.



In 1708 the Assembly refused to continue the supplies, in consequence of the frauds which had been committed by Lord Cornbury;<sup>1</sup> and, among other resolutions and bills, it received a report from a special committee on Grievances, and approved the resolutions which the committee had recommended.<sup>2</sup> The terms of these resolutions bespeak the spirit of the people not less than that of their representatives; and, as will be seen, they proposed a line of action which, even under a republican government, has not been carried out until a recent date. These are the words: "*Resolved*: That it is the Opinion of this Committee, That the appointing Coroners in this Colony, without their being chosen by the People, is a Grievance, and contrary to Law. *Resolved*: That it is, and always has been, the unquestionable Right of every Freeman in this Colony, that he hath a perfect and entire Property in his goods and Estate. *Resolved*: That the Imposing and Levyng of any Monies upon his Majesty's Subjects of this Colony, under any Pretence or Colour whatsoever, without Consent in General Assembly, is a Grievance and a Violation of the People's Property. *Resolved*: That for any Officer whatsoever, to extort from the People extravagant and unlimited Fees, or any Monies whatsoever, not positively established and regulated by Consent in General Assembly, is unreasonable and unlawful, a great Grievance, and tending to the utter Destruction of all Property in this Plantation. *Resolved*: That the erecting a Court of Equity, without consent in General Assembly, is contrary to Law, without Precedent, and of dangerous Consequence to the Liberty and Properties of the Subjects. *Resolved*: That the raising of Monies for

<sup>1</sup> Journal of the General Assembly (Edit. 1764.) pp. 218-238 : Smith's New York, (Ed. 1829.) I. p. 165.

<sup>2</sup> Journal of the General Assembly, *Die Sabbathii, 5 ho. A. M., Sept. 11, 1708.*



the Support of Government, or other necessary Charge, by any Tax, Impost or burthen on Goods imported or exported, or any Clog or Hindrance on Traffic or Commerce, is found, by Experience, to be the Expulsion of many, and the impoverishing of the rest of the Planters, Freeholders, and Inhabitants of this Colony: of most pernicious Consequence, which, if continued, will unavoidably prove the Destruction of the Colony. *Resolved*: That the excessive Sums of Money received from Masters of Vessels trading here, under the Notion of Port Charges, visiting the said Vessels by supernumerary Officers, and taking extraordinary Fees, is the great Discouragement of Trade and Strangers coming amongst us, beyond the Precedent of any other Port, and without Colour of Law. *Resolved*: That the compelling any Man cleared upon Trial by Jury, or otherwise, to pay any Fees for his Prosecution, or anything whatsoever, unless the Fees of the Officers whom he employs for his necessary Defence, is a great Grievance, and contrary to Justice."

In the following year (1709), Lord Lovelace renewed the attempt to secure the unlimited control of the revenue, and to place the power of levying taxes beyond the interference of the Assembly.<sup>1</sup> The latter body, true to the principles involved in the second, third, and fourth resolutions of the preceding year, positively declined to comply with the requisition; and, at the same time, in defiance of the government, it authorized the collection of £2500 only, and appropriated every penny of it, by special provision, for specified ob-

<sup>1</sup> Lord Lovelace's Speech. (*Journal of the General Assembly, Die Joris, 9 ho. A. M., April 7, 1709.*)



jeets.<sup>1</sup> By this unusual and aggressive act, the Assembly, in behalf of the people, held a controlling influence over the royal government, in the same manner and to the same extent that the House of Commons does in the government of England; and established, practically—and in direct conflict with the rights of the conqueror over the persons and estates of the vanquished—that, so far as the internal affairs of New York were concerned, there should be "*no taxation without representation.*"

Defeated in this, the next attempt was made in a more insidious and indirect manner; and in Nov. 1711, the Council, claiming the right to participate in all classes of legislation, was made the chosen instrument of the government for that purpose. With the assertion that it was "a Part of the Legislature, constituted, as the Assembly was, by the mere Grace of the Crown," the Council claimed the right to make amendments to the revenue-bills,<sup>2</sup> by which means a check would have been placed on the action of the Assembly, in its assaults on the prerogatives of the Crown or the authority of the Governor. But the Assembly was not slow, either in discovering the dangerous device, or in resenting, with proper spirit, the attempted interference with the property of the people. "'Tis true," were its spirited words,<sup>3</sup> "the Share the Council have (if any) in the Legislation, does not flow from any Title they have, from the *Nature* of that Board, which is only to advise; or from their being another distinct State, or Rank of People in the Constitution, which they are not. being all

<sup>1</sup> Journal of the General Assembly, *Die Jovis*, 9 ho. A. M., May 5, 1709.

<sup>2</sup> Journal of the General Assembly, *Die Veneris*, 3 ho. P. M., March 16, 1711.

<sup>3</sup> Journal of the General Assembly, *Die Sabbatti*, 9 ho. A. M., Nov. 17, 1711.



Commons; but only from the mere Pleasure of the Prince, signified in the Commission. On the contrary, the inherent Right the Assembly have to dispose of the Money of the Freemen of this Colony, does not proceed from any Commission, Letters Patent, or other Grant from the Crown; but from the free Choice and Election of the People, who ought not to be Divested of their Property, (nor justly can,) without their Consent. Any former Condescensions of *other* Assemblies will not prescribe to the Council a Privilege to make any of those Amendments, and, therefore, they have it not. If the Lords Commissioners for Trade and Plantations did conceive no Reason why the Council should not have Right to amend Money-bills, this is far from concluding there are none; the Assembly understand them very well, and are sufficiently convinced of the Necessity they are in, not to admit of any Encroachment so much to their Prejudice." Without occupying the time of the Society by noticing the constantly recurring attempts of the Government, during the succeeding twenty years, to regain the prerogatives which had been seized by the people and the Assembly, I beg to invite its attention to a circumstance which occurred in August, 1733, and produced more important results than any which preceded it, either in this or any other Colony. At that time, Governor Cosby, in the exercise of the authority which, although dormant, had never been surrendered,—the authority of the victor over the vanquished,—removed Chief Justice Morris, without impeachment or trial, and advanced Mr. James DeLancey, a more consistent friend of the government to the vacant seat.<sup>1</sup> This flagrant violation of the rights of the Judiciary and of the people, was too palpable an attempt to

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<sup>1</sup> Book of Commissions, (*Sec. of State's Office*) 3, folio 272.



restore the old order of affairs, to be allowed to pass without notice; and both the parties into which the Colony had been divided, and all the energies which, for several years, had been held in check, were, at once, aroused into complete action. All the grievances of the preceding sixty years were brought into judgment; all the passions and prejudices and malignance of spirit —the more pungent from their temporary repose—were called into requisition; the columns of the press teemed with essays and labored arguments to prove or to disprove the illegality of the removal; and a conflict was commenced, between the people and the government, which was continued, without ceasing, but with greater or lesser violence, until the Treaty of Ghent, on the 24th December, 1814, confirmed the entire separation of the contestants, not only in New York, but, also, within the boundaries of those twelve Colonies, whose "chartered privileges" had been so often spoken of by the people, and so little respected by the Government.

As, in October, 1642, the New Netherlands had granted a home, with "freedom to worship God," to the persecuted Sectaries of Massachusetts;<sup>1</sup> so, in 1709–10, the Colony of New York had given shelter to the fugitive Palatines who had fled from the persecutions of the French in Germany.<sup>2</sup> One of these, a penniless lad of thirteen years,<sup>3</sup> the eldest son of a friendless widow,<sup>4</sup> was apprenticed, by the public authorities, on the twenty-sixth of October, 1710, to William Brad-

1 O'Callaghan's New Netherlands, I, p. 258; Bolton's Westchester, ii., pp. 145–7, and the documents contained therein.

2 Order of Councill for Naturalizing and sending certain Palatines to New York, 10th May, 1708; Minutes of Provincial Council, 13, 16, and 17 June, 1710.

3 List of the Palatines remaining at New York, 1710.

4 In the list last referred to appear the names, "Johanna Zangerin, *wid.*, age 23; John Peter, 13; Johannes, 7; Anna Catharina, 10.



ford, a respectable printer in this city,<sup>1</sup> who had “entered into an Instrument in Writeing,” with Dr. Staats and Rip Van Dam, who were the committee for that purpose, “to Cloath, Victuall, and use him well, and to deliver him to the Government when called for.”<sup>2</sup> Little did William Bradford, his paper-capped journeymen, or his black-faced apprentices, suppose that the fatherless foreigner—a refugee and a pauper—with his homely apparel and his broken English, was the chosen instrument in the hands of an over-ruling Providence, for the establishment of a free Colonial Press; and, as little did they suppose that for him had been reserved the honor of giving an impulse to the mighty political revolution—which, even at that day, was gathering its strength—before whose Heaven-born power the corruption of Courts and the tyranny of Kings would be ground into powder. But so it was. Diligently serving his master for four years,<sup>3</sup> he passed through the drudgery of “the chapel,” from the lowest to the highest grade; and when the term of his service had expired—a partnership with his master having been offered and accepted—the imprint of “Bradford and Zenger” bore testimony to the integrity of the friendless Palatine.<sup>4</sup> In due course of time, the means which were

1 Among the “names of the Palatine children apprenticed by Gov. Hunter, 1710-1714,” appears the following: “1710, Oct. 26, John Peter Zenger; Age 13; Parent, Widw. Hanah Zenger; Bound to Wm. Bradford, Printer, N. Y.”

2 “Order for apprenticing the Palatine Children.” In Council, June 20, 1710.

3 By an Order of Council, July 27, 1710, the Boys were directed to be bound until the age of 17, and the Girls till they reach 15.

4 The imprint of “Bradford and Zenger” appears on the title of a copy of “KLAGTE van Eeinge Leeden der Nederduytse Hervormde Kerk, woonede op Raretans, &c., in de Provincie van Nieu-Jersey, in Noord-



requisite to establish an independent office had been the reward of Zenger's industry; and when, in 1733, the despotic removal of the Chief Justice of the Colony had aroused the energies of the people of New York, "*The New York Weekly Journal, containing the freshest advices, foreign and domestic,*" became the acknowledged organ of the popular party. With the character of this paper,—sustained, as it was, by the pens of Chief-Justice Morris, James Alexander, William Smith, Senr., and other intellectual giants; with the effect of its strictures on the Government; with the seizure and imprisonment of Zenger; with the arbitrary erasure of the names of his Counsel from the rolls of the Court; with the trial and acquittal of the prisoner; with the exultation with which the people, led by the Corporation of the city of New York,<sup>1</sup> received the intelligence

America, onder de Kroon von Groot Brittanje, over het gedrag Aldaar en Elders, van Do. Theodorus Jacobus Frilinghuisen, met syn Kerken-Raaden, ten Antwoord op hune Ban-Dreyzende Daag Brieven, &c.; aan Alle Liefbebbers der Waarheyd, ter onderoek, voorgesteld Hoe Die Gegrond zyn, of Niet; met een Noodige Voor, Reeden tot opheldering van de Klachte nytgegeven Door de Gevorlagicgden der Gemelde Leeden.—Te Nien-York, Gedrukte bij Willem Bradford en J. Peter Zenger. 1725."

*Translation.*—The COMPLAINT of certain members of the Dutch Reform'd Church, residing at Raritan, &c., in the Province of New-Jersey, in North America, under the Crown of Great Britain, concerning the conduct, there and elsewhere, of Domini Theodore Jacob Frilinghuisen, with his Consistory. In answer to their threatening judicial letters. Presented to all the lovers of truth, for investigation, whether they are well grounded or not; with a Preface necessary to the elucidation of the Complaint. Published by a Committee of the members named.—New York : Printed by William Bradford and J. Peter Zenger. 1725.

This book is now owned by B. J. Lossing, Esq., of Poughkeepsie, N. Y.

1 The proceedings of the Common Council of this city, on the occasion of Zenger's acquittal, have been so often referred to, that a more extended notice may be considered unnecessary. As the documents have never been printed, however; and as they confirm what I have said respecting the radical sentiments which prevailed in New York, I have, through the courtesy of my friend, D. T. Valentine, Esq., the venerable Clerk of the Common Council, procured certified copies of them to illustrate my subject.



of this victory of freemen ; and with the great political revolution which it produced, every intelligent New-Yorker is familiar ; and the time of the Society need not be taken to repeat the well-known story.

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" Att a Common Council held at the City Hall, of the said City, on Tuesday the 16th day of September, Anno Dom. 1735 :

" ORDERED, That Andrew Hamilton, Esqr. of Philadelphia, Barrister at Law, be presented with the Freedom of this Corporation ; and that Alderman Bayard, Alderman Johnson and Alderman Fell be a Committee to bring in a Draught thereof.

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" Att a Common Council held at the City Hall of the said City, on Monday the Twenty Ninth day of September, being the feast day of St. Michael the Archangell, Anno Dom. 1735 :

" Stephen Bayard, Simon Johnson & Christopher Fell, Esqrs., Aldermen, to whom it was referred to prepare the Draught of the Freedom of this Corporation, to be presented to Andrew Hamilton, Esqr., make their Report thereon in the words following (to witt), that they have prepared the form of the Grant to the said Andrew Hamilton, Esqr., of the Freedom of the City of New York in these words (to witt) :

City of }  
New York, ss } PAUL RICHARD, Esqr., Mayor ; the Recorder, Aldermen and  
Assistants of the City of New York, Convened in Common Council—  
To all whom these Presents shall Come,—Send Greeting:

Whereas Honour is the first *Reward* of Vertue, and Publick Benefitts demand A Public Acknowledgment, We therefore, under A Gratefull Sense of the Remarkable Service done to the Inhabitants of this City and Colony by Andrew Hamilton, Esq., of Pensilvania, Barrister at Law, by his Learned and Generous defence of the *Rights of Mankind and the Liberty of the Press*, in the Case of John Peter Zenger, lately tryed on an Information Exhibited in the Supream Court of this Colony, do by these presents bear to the said Andrew Hamilton, Esq., the Public thanks of the Freemen of this Corporation, for that Signal Service which he Cheerfully undertook under great Indisposition of body and Generously performed, Refusing any ffee or Reward, And in Testimony of our Great Esteem for his Person and Sense of his Merit, do hereby present him with the Freedom of this Corporation. These are therefore to Certifie and declare that the said Andrew Hamilton, Esqr., is hereby Admitted, Rewarded and allowed A Freeman and Citizen of the said City. To Have, Hold, Enjoy and Partake of all the Benefitts, Liberties, Privileges, Freedoms and Immunitiess whatsoever Granted or Belonging to A Freeman and Citizen of the Same City.

In Testimony whereof the Common Council of the said City, in Common Council Assembled, have Caused the seal of the said City to be hereunto



My object in thus noticing the progress of the opposition in the earlier history of the Colony, and the trial of Zenger, has been to remind the Society of the character and temper of the people among whom the American Revolution originated, and was sustained, in its earliest stages. Accustomed to the daily taunts that they had no rights but those which the King, as their conqueror, had pleased to give them—although surrounded by other Colonies, where “the rights of Englishmen” had been guaranteed to the inhabitants by “royal charters”—the people of New York had fallen back on the great first principles of government, and, single-handed, had battled manfully for *their funda-*

affixed, this Twenty-ninth day of September, Anno Domini, One thousand Seven hundred and thirty-five.

By Order of the Common Council,

WILL. SHARPAS, Clerk.

And we do further Report that Sundry of the Members of this Corporation and Gentlemen of this City, have Voluntarily Contributed Sufficient for a Gold Box of five Ounces and a half, for Inclosing the Seal of the Said Freedom, upon the Lid of which we are of Opinion Should be Engraved the Arms of the City of New York. Witness our hands this twenty-Ninth day of September, 1735.

STEPEN BAYARD,

S. JOHNSON,

CHRISTOPHER FELL.

Which Report is Approved by this Court, and Ordered that the Freedom and Box be forthwith made Pursuant to the Said Report, and that Mr. Sharpas, the Common Clerk of this City, do affix the Seal to the Same Freedom, and inclose it in the Said Box.

Mr. Alderman Bayard going to Philadelphia, and Offering to be the Bearer of the Said Freedom to Mr. Hamilton, Ordered, that Mr. Sharpas deliver it to Alderman Bayard for that purpose, and that Alderman Bayard do deliver it to Mr. Hamilton with Assurances of the Great Esteem that this Corporation have for his Person and Merits.”

*New York, May 25, 1859.*

I do hereby certify the foregoing to be true extracts from the Minutes of the Common Council at the dates above given.

D. T. VALENTINE, Clk. C. C.



*mental rights as men, and as members of the body politic.* For nearly seventy years this constant agitation had been continued; and every New Yorker, from his birth, had grown up amidst a race of politicians, and become familiar not only with the theory of government, but with the greatest part of the outrages committed by the officers of the Crown. The liberation of the press, on the acquittal of Zenger, immediately increased the supply of political information; and, as quickly, every citizen became, if possible, more completely a politician. A royalist writer,<sup>1</sup> speaking of those times, informs us that "the scribblers of the day grew more wanton than ever"; and that "the contending parties left no stone unturned to gratify their revenge." With Chief Justice Morris and the venerable Rip Van Dam, with James Alexander and William Smith, Senior, at the head of one party, and Governor Cosby and Chief Justice Delaney at the head of the other, each actuated by the most malignant feelings, it need not be wondered at that the strife was marked with unusual ability and relentless fury.

The death of the Governor, in 1736, and the rival claims of Messrs. Clarke and Rip Van Dam, to the right of succession, did not, in the least, allay the strife or quiet the people; and when the former gentleman withdrew to the fort, an intelligent and determined party rallied around the latter, with a full determination to meet force with force.<sup>2</sup> The recogni-

<sup>1</sup> Smith's New York, II., (Ed. 1829) p. 23.

<sup>2</sup> President Clarke to the Lords of Trade, New York, March 16, 1736; Rip Van Dam to President Clarke, March 11, 1736; President Clarke to Duke of Newcastle, and to Rt. Hon. Horace Walpole, March 16, 1736; Smith's New York, (Ed. 1829) II., pp. 26-30.



tion of the former, by the Home Government,<sup>1</sup> which reached New York on the day before the intended assault on the fort,<sup>2</sup> settled the dispute concerning rank, without reconciling the parties on other subjects; and, with well-defined principles on the part of both, the strife, although modified, still continued.

With rival presses, laden with the elaborate essays of that period, each struggled for the mastery among the people, until 1744, when the influence of the popular party had become so great that another important concession was yielded by the Governor. On the 14th September, of that year, the Judiciary was relieved from its dependence upon the Government by the withdrawal of Chief Justice Delaney's Commission, which he had before held "during the pleasure of the King," and by the issue of a new one, to be held "during his good behavior."<sup>3</sup>

This first fruit of the freedom of the Colonial Press gave fresh courage to the people, and, from that time,<sup>4</sup> an organized opposition to the Crown—without a specific title in the beginning; but, afterwards, well known as "THE SONS OF LIBERTY," or, more familiarly

1 Commission of George Clarke, as Lieutenant-Governor of New York; signed "CAROLINE R. C. R." and dated July 13, 1736.

2 President Clarke to the Lords of Trade, New York, Oct. 18, 1736. The same to the Duke of Newcastle, New York, Nov. 28, 1736. Lieut. Gov. Clarke to the Lords of Trade, Nov. 27, 1736. Smith's New York, (Ed. 1829) II., pp. 30-32.

3. Delaney's Life of Delaney.

4 "After Mr. Delaney had, by cajoling Mr. Clinton, received the Commission of Chief Justice during good behavior, the Profession of the Law entered into an Association, the effects of which, I believe, your Lordship had formerly opportunity of observing in some striking instances. They proposed nothing less," &c.—*Letter of Lieut. Gor. Colden to the Earl of Halifax*, 22 Feb., 1763, from his M.S. Letter Book, (Colden Collections) in the New York Historical Society's Library.



as "THE LIBERTY BOYS,"—was maintained and kept in operation. Sustained, in the beginning, by the great abilities of James Alexander and William Smith, it was not long before the younger members of the bar,—especially William Livingston, John Morin Scott, and William Smith, Jr.,—occupied their places, and carried out their designs. In the language of Gov. Colden, written nearly twenty years afterwards,<sup>1</sup> they "proposed nothing less to themselves than to obtain the direction of all the measures of the Government, by making themselves absolutely necessary to every Governor, in assisting him when he complied with their measures, and by distressing him when he did otherwise. For this purpose," he continues, "every method was employed to aggrandize the power of the Assembly, where the profession of the Law must always have great influence over the members, and to lessen the authority and influence of the Governor."

In 1744, *the first proposition to tax the Colonies by means of Stamped Paper*, was made by an aspiring New York politician—Lieutenant-Governor Clarke—"in order to obtain the appointment of the Commissioner for Stamps in America, as well as the inferior officers under him."<sup>2</sup> But Governor Clinton, writing to the Duke of Newcastle, on the 13th of December, of that year, involuntarily describes the character and spirit of the people among whom he lived, and expressed his doubts of the expediency of the proposed measure. After referring to the subject generally, he says: "The People in North America are quite strangers to any duty, but such as they raise themselves, and was such a scheim to take place without their know-

<sup>1</sup> Letter to Earl of Halifax, Feb. 22, 1765.

<sup>2</sup> Gov. Clinton to Duke of Newcastle, New York, 13 Dec. 1744.



ledge it might prove a dangerous consequence to His Majesty's interest." This appears to have been the last of the proposed measure, until it was revived, in 1765; when New York, as we shall presently see, justified the warning which Governor Clinton had given to the Government, nearly twenty years before.<sup>1</sup>

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1 The origin of the movement providing for a taxation of the Colonies, by means of a Stamp Act has been the subject of a protracted discussion. Without claiming more for the representatives of the King, in New York, than they merit, it may not be improper to call attention to the fact that as early as April, 1734, Gov. Cosby informed the Assembly that he thought "a Duty upon Paper to be used in the Law, and in all Conveyances and Deeds of every Denomination, might, if rightly managed, bring a considerable Sum of Money, yearly, to the Treasury," and proposed it "*as an experiment.*" (*Journal of the Assembly, Die Joris, 4 ho. P. M., Apl. 25, 1734.*) The Assembly did not adopt the measure; yet it appears the idea was not lost sight of. In 1744, Lieut. Gov. Clarke "showed two printed scheimes" to Gov. Clinton, as referred to in the text, one of which was "Proposals for establishing, *by act of Parliament*, dutys upon stamp papers and parchment in all the British and American Colonys," in which Gov. Clinton said he was "apt to think Mr. Clarke was concerned, in order to obtain the appointment of the Commissioner for Stamps," &c., although the Lieutenant-governor said they "were sent him from England." (*Letter of Gov. Clinton to Duke of Newcastle, New York. Dec. 13, 1744.*) In August, 1755, Lieutenant-governor Delaney invited the attention of the Assembly to the defeat of Gen. Braddock and the consequent exposure of the Colony to the inroads of the French and Indians, and to the necessities of the *Provincial Troops* who were then in the field, as well as that of the new force which might be called for; and he suggested, among other sources of a revenue, "a Stamp Duty," which would "be so diffused as to be, in a Manner, insensible." (*Lieut. Gov. Delaney's Message, Assembly Journal, Aug. 6, 1755.*) In October, 1756, the Assembly, among other means of raising a revenue, "*Ordered* That a Bill be brought in, for erecting and establishing a Stamp Office in this Colony, for stamping all Vellum, Parchment, and Paper, which shall be charged with the Payment of a Duty; and that Col. Beekman and Mr. Verplanck prepare and bring in the same." (*Journal, Oct. 5, 1756.*) After a protracted consideration, on the 23d October, the bill passed the House, and was sent to the Council (*Journal, Oct. 6; Oct. 7; Oct. 21; Oct. 23, 1756.*), but the provisions were such as that body—the peculiar representatives of the Crown—could not approve. On the 23d of November, therefore, it asked a conference on the subject with the House, but the latter body resolved that as it was "a money Bill, this House cannot Consent to any Confer-



As I have said, the opposition against the Government, at this time, was an organized, systematic, and enterprising party, presenting itself in different parts of the Colony, and making itself known by its influence over the acts of its representatives in the Assembly of the Colony. In a series of bold and defiatory encroachments on the prerogatives of the Crown, it steadily and systematically increased the power of the people, and as steadily sapped the foundations of the Government. The time allotted to this paper will only permit me to glance at the proceedings of the Assembly, during the succeeding twenty years, by a reference to some of the principal subjects of its attention. It claimed and exercised the right of being represented, before the Home Government, by an Agent of its own selection, who should be entirely under its own control; in order that its grievances might be presented, and its interests protected, through other instrumentalities than the venal tools who administered the Government in the Colony.<sup>1</sup> It took upon itself the custo-

ence with the Council, on the subject Matters thereof," (*Journal*, Nov. 23,) after which the Council passed it, "without amendment," (*Journal of the Assembly*, Nov. 29,) in which form it was approved by Governor Hardy. It will be seen from this that while the right of instituting a Stamp Office, by the local Colonial Assembly, as a "money Bill," was recognized, the right of the Parliament of Great Britain to do the same thing, was considered a "dangerous" experiment, in New York, even by the Royal Governor, as early as 1744.

<sup>1</sup> The practice of appointing "Agents" to represent the interests of the Colonies, at the Court in England, was, by no means, a new measure at that time: but it was a decided innovation that this Agent *was independent of the Governor and the King's Government*. As early as 1695, Mr. Nicolls had been appointed the Agent of New York, at the instance of Gov. Fletcher (*Journal of the Assembly*, Oct. 4, 1695); and from time to time, thereafter, the Governor had urged on the General Assembly a renewal of the appointment. (*Licut. Gov. Clarke's Speech*, Apr. 15, 1741; *Gov. Clinton's Speeches*, *Assembly Journals*, Nov. 8, 1743, and Apr. 17, 1744.) The Assembly, however, decided to control this Agent;



dy of the military stores belonging to the Government, and appointed their keepers; and it retained the control of them, even after the commencement of more aggressive measures.<sup>1</sup> It claimed and exercised

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and, because the Government would not allow this privilege, the Assembly refused to assent to the appointment. When Lieut. Gov. Clarke recommended it, in 1741, the Assembly expressed its willingness to join in such an appointment, provided the Agent was "depending on and payable by the General Assembly." (*Answer to Lieut. Gov. Clarke's Speech, Assembly Journal, Die Veneris, 9 ho., Apl. 24, 1741.*) In March, 1748, in order to secure the control of this agency, without the possibility of a veto from the Governor, the Assembly, by a "rider" attached to the General Appropriation Bill for the year, provided for the appointment of an agent, and appropriated £200 for the expense of the Agency, to be "paid and discharged out of the Funds appropriated for the Annual Support of the Government." (*Journal of the Assembly, Die Sabatti, 9 ho. A. M., March 19, 1747-8; Gov. Clinton to Lords of Trade, Apl. 22, 1748.*) From that time an Agency was maintained, which was not accountable to the Government.

1 When the expedition against Canada was projected, in 1746, the Colonial Assembly provided stores for their troops, and appointed Commissioners to issue them to the Captains in command. In September of that year, Gov. Clinton, then in Albany, issued an order to the Commissioners, directing them to issue these stores to "his Majesty's Troops, in like manner as the new Levies raised in this Province, for the Service of the Expedition against Canada, are supplied," &c. (*Gov. Clinton's Warrant, Sept. 29, 1746.*) The Commissioners refused to obey this order, "not conceiving they were empowered by the Act to do so," (*Report of the Assembly Committee, Nov. 8, 1746*), when the Governor issued a second order, directing Henry Holland, an officer of the Government, and a "press warrant," directed to Col. John Roberts, to seize the same, which was done. The Commissioners reported the facts to the Assembly, by whom an investigation was instituted, and a report made. The House took action on the subject, on the presentation of this report, declaring the Governor's Warrant to be "ill-advised"; that the Commissioners "did their duty and acted agreeably to law"; that the order to Mr. Holland was "arbitrary and illegal"; that Mr. Holland, Col. Roberts, and Cadwallader Colden, for the part taken by them in this seizure, were "guilty of a high Crime and Misdemeanor"; that no further provision of Stores be made "until proper Assurances be given, that an effectual stop shall be put to such proceedings"; and that the breaking open the storehouse was "arbitrary, illegal, and a manifest Violation of the Rights and Lib-



the sole right of mustering into service, controlling while in the service, and paying after their discharge, the troops which might be found necessary for the defence of the Colony; and, to that extent, at least, it was the sole judge of the *necessity for*, as well as the *value of*, the services of the troops within the Colony.<sup>1</sup>

erties of the Subject." (*Journal of Assembly, Die Sabatii, 9 ho. A. M., Nov. 8, 1746.*) "The Assembly, in the time of Mr. Clerk's administration, had taken into their own custody all the publick gunpowder in the Province by putting it under an Officer of their own nomination, and not suffering it to be used otherwise than by their direction. They have, in all publick Acts distinguished the stores of war, purchased by taxes raised in this Province, by the name of *Colony Stores of War*, from those stores that were sent by his Maj<sup>y</sup> as if his Maj<sup>y</sup> had no property in those purchased by taxes raised in this Prove<sup>ce</sup>." (*Gov. Clinton to the Lords of Trade, New York, 22 June, 1747*; See, also, *Same to Same, 15 Nov. 1748, Aug. 7, 1749, and Oct 4, 1752.*)

1 Among other instances, in the month of April, 1746, troops were ordered from Albany to man several Blockhouses, on the frontiers, and provision was made for their support. (*Journal of Assembly, Apl. 9, 1746.*) On the 20th March, and 22d April, 1746, Gov. Clinton urged the co-operation of the Colony in strengthening the garrison at Louisbourg by raising and forwarding troops for its "Succour and Relief"; (*Assembly Journal, Mch. 20, and Apl. 22, 1746*;) but the Assembly promptly refused to do so. (*Assembly Journal, April 22, 1746.*) During the recess, in the same year, the necessities of the Colony required the Governor to order three hundred men in addition to those whom the Assembly had ordered, which was reported to that body, and its approval asked. (*Gov. Clinton's Message; Assembly Journal, June 3, 1746.*) In October, 1748, the Governor urged the continuation of a Colonial force which was then at Albany, notwithstanding the prospects of a Peace which then prevailed. (*Gov. Clinton's Message, Assembly Journal, Oct. 24, 1748.*) But the Assembly, in view of the expence, declined to do so. (*Assembly's Answer, Journal, Oct. 19, 1748.*) In July, 1755, Gov. Shirley "recommended" this Colony to raise an additional number of men to be employed against Crown Point, (*House Journal, July 4, 1755,*) but the Assembly, in Committee of the Whole, appeared to consider it unnecessary, and, afterwards, resolved to wait until the reinforcements were necessary, when it would take steps to secure them. (*House Journal, July 5, 1755.*) See also *Gov. Clinton's Letters to the Lords of Trade, 20 Oct. and 15 Nov., 1748*; "*The Present State of the Province of New York, Dec. 12, 1746*"; *Journals of the Assembly, Nov. 24, 1756, &c.*



It claimed and exercised, to some extent, the control of the Indian affairs within the Colony, as well as that of the Commissioner who superintended them.<sup>1</sup> It claimed and exercised the sole right of originating laws for the government of the militia.<sup>2</sup> It claimed the right, and exercised it, of judging of the necessity for Fortifications within the Colony, of the character of those which should be erected, and of the manner and time for their construction.<sup>3</sup> It also continued to deny the right of the Council to originate or amend any Appropriation Bill or

1 From the earliest days the management of Indian affairs was controlled, more or less, by the Assembly; but, subsequently, that body exercised a more careful supervision of them. In September, 1744, Gov. Clinton, at the instance of Gov. Shirley, addressed the Assembly, urgently insisting on a more vigorous prosecution of the War, by making a Treaty with the Indians. (*House Journal*, Sept. 18, 1744.) But the House was "unanimously of the Opinion that it would be imprudent in them to engage in any Scheme before a Plan of it was imparted to them, from which they might form a Judgment of the Thing, and how far the Colony might be able to assist in the Execution thereof." (*Journal*, Sept. 19, 1744.) On the 8th October, 1747, after appropriating £800 for the Indian service, and ordering it "*to be deposited in the hands of Proper Persons*"—the Governor having been suspected, and charged, indirectly, with a mal-appropriation of a former supply—the Assembly promised support in other branches of the service; (*House Journal*, Oct. 8, 1747;) but the Governor refused, indignantly, to receive the message, or to co-operate with the House. (*Ibid.*, 3 ho. P. M.) On the following day the Assembly declared its own Rights, and its Determination to consider all proper subjects, "in such Order, Method and Manner, as to them shall seem most convenient and conducive to the Interest and Welfare of the People they Represent." (*Journal*, Oct. 9, 1747.) The Assembly had, previously, asked for the accounts and vouchers of the former grant; (*Journal*, Nov. 4, 1746;) and Gov. Clinton was not pleased with the action of the House. Other instances of a similar spirit are not unfrequent on the records.

2 *Journal* of the Assembly, Sept. 30; Oct. 19 and 27; Nov. 17, 1741; "The Present State of the Province," Dec. 12, 1746; Gov. Clinton to Lords of Trade, 4 Oct. 1752; &c.

3 *Journal* of the Assembly, Apl. 1, 3, 4, 9, and Dec. 24, 1745, &c.



Act for the raising of a revenue.<sup>1</sup> It continued its refusal to provide a permanent revenue, "for the King's use," as the Government required; and provided one for a single year, only, at a time, "for the service of the Colony."<sup>2</sup> It continued its disposal of the Revenue by specific appropriations to each individual who was entitled to receive it, *by name*, instead of by a general appropriation, "*For the support of His*

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1 In October, 1750, Mr. Nicoll and Col. Schuyler were directed to "carry back, to the Council, the Bill entitled 'An Act to enable his Excellency to meet the Six Nations of Indians at Albany, and to make them the usual Presents there,' with the Amendments made thereto by the Council, and acquaint them, That this House conceives that the said Bill is a Money Bill, and that therefore they cannot agree to any Amendments made thereto by the Council." (*House Journal, Oct. 6, 1750.*) On the 18th November, 1751, the Council ordered "the Hon. William Johnson, Esq., to acquaint the General Assembly, that the Council desire the House would communicate to the Council the several Accounts laid before the House, upon which the several Allowances have been made in the Bill brought up to the Council, entitled, '*An Act for paying and discharging several Demands made on this Colony,*' and the Vouchers for the said Accounts, together with the several other Accounts recommended by his Excellency to the General Assembly, this Session, and the Vouchers respecting them." (*House Journal, Nov. 18, 1751.*) But the House declined to consider the request, after characterizing it as "extraordinary" and "unprecedented." (*Ibid., Afternoon Session.*) On the next day a Bill appropriating £500 for the Indian Service, which had originated in the Council, was rejected by the House, on the ground that it appeared to "intrench on the great, essential, and undoubted Right of the Representatives of the People of this Colony, to begin all Bills for raising and disposing of Money." (*House Journal, Nov. 19, 1751.*) The same result of an attempted amendment of the Stamp Bill, in 1756, has been already referred to—(Vide Note 1, page 42)—and numerous other instances, found places on the Journals of the Assembly.

2 Among other instances of this opposition to a "permanent revenue," which abound in the Journals of the Assembly, is that in which the House addressed the Lords of Trade, Dec. 12, 1753, and remonstrated against the Instructions which Sir Danvers Osborn had brought with him; and the long-continued contest between the House and Lieut. Gov. Colden, with which every historical student is well acquainted, fully sustains the remark which I have used in the text.



*Majesty's Government;*<sup>1</sup> controlling, thereby, the action of every individual officer in the Colony—"from a Judge to a Constable, and from a Governor to a Tide-waiter," as Governor Clinton mournfully, but facetiously remarked<sup>2</sup>—and compelling obedience to its behests, at the risk of his salary. A history of the progress of these "encroachments," as they were called, would furnish a perfect epitome of the progress, during that time, of that mighty Revolution, which, soon afterwards, severed all the ties which connected the people of New York with the Home Government, and gave strength to that new, but independent, political organization which has become stronger and stronger, to the present day.

On the 30th July, 1760, Chief Justice DeLancey departed this life;<sup>3</sup> and the people, at once, became "uneasy" respecting the character of the person who might be chosen as his successor, as well as concerning the tenure of his office. The deceased had held a commission "during good behavior," instead of "during the King's pleasure," as I have already noticed;<sup>4</sup> and the Assembly and the People reasonably felt "uneasy," lest the control of the Judiciary, through the new appointment, might be again vested in the Crown. New Jersey had been cursed with the successive appointment of two incompetent but needy favorites of the minis

1 As an instance of the uniform practice of the Assembly, reference is made to the Supply Bills for 1744—(*House Journal*, Dec. 1, 1743)—that for 1747—(*Journal*, Nov. 14, 1745)—that for 1747—(*Journal*, Oct. 23, 1746)—that for 1755—(*Journal*, Nov. 16, 1754), &c.

2 Gov. Clinton to the Lords of Trade, New York, 4 October, 1752.

3 Smith's New York, (Ed. 1829,) page 281.

4 Vide page 40.



try, to a similar office;<sup>1</sup> and the Assembly and the People of New York were also "uneasy" lest a similar person, instead of "a person of fortune among themselves," might receive the Commission, and, from his necessities, not less than from his sympathies, become the abettor of despotism.<sup>2</sup> Governor Clinton, years before, had proposed this, as the best means of destroying the power of "the faction," as the popular party was termed;<sup>3</sup> and the sequel showed that the suspicions and the "uneasiness" of the Assembly and the People had been well-founded.

At the first session of the General Assembly, in 1761, a Bill was introduced, "to remove Doubts

<sup>1</sup> William Aynsley, "who had been raised to be Chief Justice from the low station of Treasurer to a turnpike in the North of England," was recommended by Lord Ravensworth, and appointed Chief Justice, while Rob't Hunter Morris held that office "during good behaviour," and had not been impeached. Judge Morris being absent, Aynsley took his seat, but died about a year afterwards. The Commission was then given to Nathaniel Jones, "a Newgate Solicitor," whose wife, Lady Oliphant, lived in adultery with Lord Chief Justice Welles, through whose influence, for the purpose of effecting *his* removal from England, the appointment was obtained. Jones appeared and demanded his seat at the March term of the Supreme Court, 1769; but Chief Justice Morris was on the bench, and resisted him. The Court decided in favor of Morris, and Jones "returned whence he came." (*Smith's New York* (Ed. 1829), 2 p. 284; *Field's Provincial Courts of New Jersey*, pp. 150-154.)

<sup>2</sup> Lieut. Gov. Colden to Lords of Trade, January 11, 1762. The contest between the Assembly and the People, on the one side, and the Government on the other, on this subject, was long-continued and determined; and when Mr. Prat was appointed to the office, a salary of £300, New York currency, only was voted, on the ground that that amount was "sufficient to engage Gentlemen of the first Figure, both as to Capacity and Fortune in this Colony, to accept" the office. (*Journal of the Assembly*, Dec. 18, 1761.)

<sup>3</sup> "To preserve the peace of this Colony, and to prevent the like Cabals for the future, I am humbly of opinion, that it will be proper to send over fit persons from England to be Judges in this Province, especially one to be Chief Justice," &c. (*Gen. Clinton to Duke of Bedford, New York, July 7, 1749*. See also his *Letter to Lords of Trade*, of same date.)



and Scruples occasioned by the Demise of the King & other Purposes therein mentioned,<sup>1</sup> the provisions of which President Colden has thus described :<sup>2</sup> "The intention of the Bill was to establish the Courts of Judicature of this Province by Act of Assembly, & to oblige me to grant the Judges Commissions during good behavior, with a clause that they might be removed by the Governor or Commander-in-Chief, on an Address from the Assembly, or by advice of at least Seven of the Council, signified under their hands." Notwithstanding the opposition of the Governor, the Bill passed in two sessions of the Assembly,<sup>3</sup> and in the Council,<sup>4</sup> but the Governor refused to approve it,<sup>5</sup> and "All the officers of the Government were left without any support,"<sup>6</sup> as an act of retaliation, by the Assembly. Intimidated by these proceedings in the Assembly, and hoping that their own salaries would be provided for by that body, the *puisne* Judges of the Supreme Court declined to act, "until their Commissions were renewed, & they would not accept of them otherwise than during good behavior, as they had their Commissions formerly."<sup>7</sup> While these proceedings were pending, Benjamin Prat, of Boston, arrived in New York, with a mandamus requiring the Governor to grant a Commission to him, as Chief Justice, "during His Majesty's pleasure."<sup>8</sup> But the Assembly maintained its position

<sup>1</sup> Journal of the Assembly, March 27, 28 ; May 13 and 18, 1761.

<sup>2</sup> Letter to Lords of Trade, Apr. 5, 1761.

<sup>3</sup> Journals of the Assembly, May 13, 1761, and Sept. 8th, 1761.

<sup>4</sup> Journal of the Assembly, May 18, 1761, and Sept. 11th, 1761.

<sup>5</sup> Prest. Colden to Lords of Trade, New York, June 2, Aug. 12, and Sept. 25, 1761.

<sup>6</sup> Lieut. Gov. Colden to W. Pitt, Sec'y, Sept. 24, 1761.

<sup>7</sup> Lieut. Gov. Colden to Lords of Trade, Oct. 6, 1761.

<sup>8</sup> Lieut. Gov. Colden to Lords of Trade, Jan'y 11, 1762.



with firmness; and "notwithstanding it knew the Tenor of Mr. Prat's commission, & His Majesty's Instruction, that Commissions to the Judges be granted *dureing His Majesty's pleasure only*, it absolutely refused to grant any Sallary to the Chief Justice, or to any of the Judges, unless their commissions be dureing their good behaviour, and their Sallary to be granted, even in that case, for one year only."<sup>1</sup> For two sessions, Chief Justice Prat occupied the Bench, unaided by his Brethren, the puisne Judges, and without compensation,<sup>2</sup> when he became discouraged with his prospects, and returned to Boston;<sup>3</sup> which, by the terms of his Commission, was equivalent to a resignation; and the operations of the Courts, throughout the Colony, were, for a time, completely suspended.

It is an important fact, Mr. President, that with the surrender of the Judiciary to the control of the Assembly and the People, the direct action of the masses, on the affairs of the Government, became more apparent. Before that period, their influence was made known through their representatives in the General Assembly; now they felt secure from prosecution, and, gradually, they assumed to themselves the exercise of their original right of self-government.

Accordingly, on the 18th of August, 1760, the people expressed, in emphatic terms, their abhorrence of the system of impressing seamen from the market and

<sup>1</sup> Lieut. Gov. Colden to Lords of Trade, Jan'y 11, 1762.

<sup>2</sup> Lieut. Governor Colden to Lords of Trade, Jan'y 11, 1762.  
Chief Justice Prat to the Lords of Trade, Milton, May 24, 1762.

<sup>3</sup> "The puisne Judge having declined to act, & Mr. Prat being under a necessity to return to Boston by his want of salary, they expect the Governor, to prevent a failure of Justice, must be under a necessity, in a short time, of appointing a person in Mr. Prat's place who is ambitious of this office, & on such terms as he likes." (*Lieut. Gor. Colden to Lords of Trade, Jan. 11, 1762.*)



wood boats, and from the merchantmen which visited this port—a practice which appears to have found great favor with officers of the Royal Navy, who were on this station. At the time referred to, H. M.'s ship *Winchester* was off the harbor, and attempted to repeat the practice; but with what result, the despatch of Prest. Colden will best explain.<sup>1</sup> The following are his words: “On the 18th of this month, as the ship *Samson of Bristol*, Osborn Greatrakes, Master, a ship of 22 guns & 67 men, was coming from sea to this port: & passing His Majesty's ship *Winchester*, the *Winchester* fired signal guns to bring to, & sent her barge to know what she was. As soon as the barge, with the 3d. Lieutenant & 13 men came on the *Samson*'s bow, the Lieutenant hail'd her, & bid her bring to: on which the crew of the *Samson* fired a volley of Musquetry on the *Winchester*'s barge; and tho' the Lieutenant called out to them to cease firing, & rowd from the *Samson*, the crew of the *Samson* continued firing their Musquetry, by which four men on board the barge were killed, tho' not one piece was fired from the barge at any time. The *Samson* crowding all the sail she could, got into the Harbour. Soon after which Capt. Hale, Commander of the *Winchester*, sent his first & 3d Lieutenants to me, with the men remaining of the barge crew. Their evidence being taken by the Mayor of this City, in my presence, & in presence of one of the Judges, the Mayor issued his warrant for apprehending the People on board the *Samson*; but the ship being placed at a small distance from the end of the wharf & the crew having armed themselves, bid defiance to all authority. Next day Capt. Hale brought up his ship to the assistance of the Magistrates, on sight on which the crew of the

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<sup>1</sup> To Lords Commissioners of Trade and Plantations, Aug. 30, 1760.



*Sampson* seized the boats and went on shore armed, in different parties, at a distance from the town. As soon as the Council could be called I issued, by their advice, a Proclamation, to have the crew of the *Sampson*, every man by his name, apprehended anywhere within this province: & I wrote to all the neighbouring Governors for the same purpose, in case any of that crew should escape into their Governments: and I ordered a detachment of the Militia of this City to assist the Sheriff: but all ineffectually except as to one man now in jail. The Master & first Mate being on shore were committed to jail, & afterwards admitted to bail by Judge Horsemanden."

At this late date we might have supposed this was a lawless defiance of the necessary port-regulations, and of the usual visit of the boarding officers from the Revenue Office, had not the venerable President, in another sentence, explained not only the cause of the opposition to the visit, on the part of the *Sampson's* crew, but that of the sympathy which induced the People to conceal the men who went on shore, and the Judge to liberate, on bail, the Captain and Mate who had been arrested. "Some other Captains of His Majesty's ships," he says, "*had distressed the town* by pressing men from the market-boats & wood boats & *by other acts of severity, whereby the people of the town and country had generally received strong prejudices:* and the Merchants in this port had suffered by their seamen's removing to the neighbouring Colonies, where they were free from any press." It will be seen that the "strong prejudices" which "the people in the town and country had generally received," had been exerted in opposition to "the acts of severity;" and that "the sufferings of the Merchants," and the "distress in the town," occasioned by the oppressive acts of the officers



of the Navy, had been more powerful in securing the retreat of the fugitives than Captain Hale and the *Winchester*, the Mayor and his warrants, the Sheriff and the Militia, and the Governor and his Proclamation, could jointly overcome.

Four years afterwards a similar case occurred in this harbor, an account of which I cite, to show the progress of the spirit of opposition during that period. Holt's "*New York Gazette and Weekly Post Boy*," for *July 12, 1764*, contains the following significant narrative : "We hear that on Tuesday last [*July 10th, 1764*] four Fishermen who supply the Markets in this City, were pressed from on board their Vessels, and carried on board a Tender from Halifax, belonging to one of his Majesty's Ships on that Station : And yesterday morning [*July 11th*] when the Capt. of the Tender came on Shore, in his Barge, a mob suddenly assembled and seized the Boat, but offered no Injury to the Capt., who, it is said, publicly declared he gave no such orders, offer'd to release the Fishermen, and going into the Coffee-house wrote and delivered an Order for that purpose. Meanwhile the mob, with great shouting, drag'd the Boat thro' the Streets to the middle of the Green in the Fields, where they burn'd and destroy'd her, and dispersed as suddenly as they met, without doing any other mischief; some of the Company went on Board the Tender with the Captain's order, & brought the Fishermen on Shore. The Magistrates, as soon as they had Notice, sent to disperse the Mob, and secure the Boat, but the Business was finish'd before they could interpose. The Court met in the afternoon, but were not able to discover any of the Persons concerned in the Mischief."—The Society will perceive the perfect state of discipline—if I may be allowed to use the expression—by which both the "mob," as it



was called, and the mass of the People of this City, had at that time attained. In the forenoon of the day the Captain came on shore from the Tender, when "*a mob suddenly assembled.*" the boat was taken from the water, dragged through the streets, "with great shouting," from the foot of Wall-street to the Park—under the very noses of the Military, who occupied the Barracks, which stood where the old Alms-house building more recently stood, on the line of Chambers-street—where they burned it; and, having accomplished their object, "the mob" *dispersed as suddenly as they met,*" and no one knew, or would tell the Magistrates, who they were, or whither they went. Is it probable this "mob" were all strangers, who had suddenly entered the city for that specific purpose, and, after having effected the object of their visit, retired into the country again? or is it not more probable that an organized body of determined men—minute-men, if you please—had assembled on signal, and after having effected the destruction of the boat, retired to their several occupations without fear of betrayal by their neighbors, who, equally with themselves, had been sufferers from the impressment of the fishermen?

The progress of the popular cause, at this period, can be seen from the report of Governor Colden, in the latter part of 1763, when he informed the Earl of Egremont<sup>1</sup> that His Lordship could not "possibly conceive how weak the hands of Government are in this Province, & how much the Governor is disabled in securing the King's Rights & in putting the Laws of Trade in execution"; and from the appropriate remarks of a learned member of this Society, that "in no part of the continent was opposition to the British government more deeply rooted, more rational and steadfast.

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<sup>1</sup> Lieut. Gov. Colden to Earl of Egremont, Sept. 14, 1763.



than here, where the popular lawyers continued their appeals, through the weekly press, to the public mind, and, supported by the great landholders, excited the people to menace resistance and to forebode independence."<sup>1</sup>

In the latter part of the year 1764 the Colony was deeply agitated on the subject of *APPEALS from the Common Law Courts* of the Province to the Governor and Council, and finally to the King. It had been usual to bring questions concerning the Law and the Practice, in these Courts, *by Writs of Error*, before the Governor and Council and the King for final adjudication; but never, until now, had an *appeal*—by which the entire merits of the action, as well as the Law and the action of the Courts thereon, could be reviewed—been entertained by the Provincial Government.<sup>2</sup> Governor Colden, with his wonted zeal for the interests and authority of the King, obstinately refused to yield the point that the appeal had been well taken; while, on the other hand, in his own words:<sup>3</sup> “the whole body of the Law—Judges and Lawyers—are violently against it, as it will undoubtedly lessen their Power & Influence. Whatever be done in this place,” he continues, “I am very confident I shall have it in my power to humble them, & to curb their Licentiousness after this, tho’ I now stand alone in this dispute, without any assistance.” This opposition was, undoubtedly, produced from different causes, while they all tended to the same ultimate object. The Courts partly felt, as Gov. Colden remarks, that the measure would “lessen their power and influence” among the people; and, in

<sup>1</sup> Bancroft's United States (*First Edit.*) IV., p. 441.

<sup>2</sup> Lieut. Gov. Colden to Lords of Trade, Nov. 7, 1764.

<sup>3</sup> Lieut. Gov. Colden to Sir William Johnson, Dec. 10, 1764. (*Colden MSS. in the New York Historical Society's Library.*)



accordance with that love of power which finds a place in nearly every human breast, they opposed it. On the other hand, the popular party saw in the movement an attempted recovery of some of the prerogatives which had been conceded to the people—an attempt, by the Government, to place itself *above* the Common Law Courts of the Colony, and, therefore, beyond their authority; and the determined opposition of John Morin Scott, the Livingstons, and other popular lawyers, will, from that cause, be fully understood.

At this period, also, was introduced and enacted the notorious measure known as *the Stamp Act*, of which the world has heard so much, and from which it is still reaping so bountiful a harvest. A similar measure had been proposed, several years before,<sup>1</sup> but the several Administrations who had considered the proposition had lacked courage sufficient to give it their countenance and support, or openly condemned it as impolitic, or inconsistent with the rights of the Colonists. The accumulated debt of the home government had now become so formidable, however, that no other equally feasible means of securing a revenue presented itself; and Grenville, with some misgivings, had given it the sanction of his official support. Intelligence of the proposed measure speedily reached the Colonies, and, among the very earliest of the responses from thence, New York, in a voice of earnest warning, told the Ministry that "if the Colonist is taxed without his consent, he will, perhaps, ask a change."<sup>2</sup> James

1 Vide page , note .

2 New York Gazette, Thursday, May 24, 1764, cited by Mr. Bancroft.

When it is borne in mind that the budget was introduced into the House of Commons on the 9th March—less than eleven weeks before—the extreme vigilance and resolution of the people of New York, in thus expressing their views, will be duly appreciated. The earliest instance of a simi-



Otis and Samuel Adams, soon afterwards, aroused the energies of Massachusetts and New England to a defence of their "chartered privileges"—neither of them possessing the courage or seeing the necessity to look beyond the concessions of the King, as expressed in the Charters of the Colonies; but to the Assembly of New York—where there were neither "chartered privileges" or "vested rights" to contend for—was reserved the privilege of striking a heavier blow. "An Exemption from the Burthen of ungranted, involuntary Taxes," it says, in a Memorial to the House of Commons, adopted Oct. 18. 1764, "must be the grand Principle of every free State. Without such a Right vested in themselves, exclusive of all others, there can be no Liberty, no Happiness, no Security; it is inseparable from the very Idea of Property, for who can call that his own, which may be taken away at the Pleasure of another? And so evidently does this appear to be the natural Right of Mankind, that even conquered tributary States, though subject to the Payment of a fixed periodical Tribute, never were reduced to so abject and forlorn a Condition, as to yield to all the Burthens which their Conquerors might at any future Time think fit to impose. The Tribute paid, the Debt was discharged; and the Remainder they could call their own. And if conquered Vassals, upon the Principle even of *natural Justice*, may claim a Freedom from Assess-

lar spirit in the other Colonies, which Mr. Bancroft has found, is a *private* letter of Richard Henry Lee, of Virginia, dated 31st May, 1764. The letter from Eliphalet Dyer, of Connecticut, which he cites, in the same connection, was written about the same time; but it will be seen that "*seeking a change*" is not, in the remotest degree, alluded to in it. (*Vide Bancroft's United States*, [First edit.] V., p. 194.) As the same gentleman elsewhere remarks, (V., p. 215.) "At that moment the *spirit of resistance* was nowhere so strong as in New York," yet none have received so little notice from the "historians" of those times.



ments unbounded and unassented to, without which they would sustain the Loss of every Thing, and Life itself become intolerable, with how much Propriety and Boldness may we proceed to inform the Commons of *Great Britain* who, to their distinguished Honour, have in all Ages asserted the Liberties of Mankind, that the People of this Colony, inspired by the Genius of their Mother Country, nobly disdain the thought of claiming that Exemption as a *Privilege*. They found it on a Basis more honorable, solid, and stable; they challenge it, and glory in it as their Right. That Right their ancestors enjoyed in *Great Britain* and *Ireland*; their Descendants, returning to those Kingdoms, enjoy it again: And that it may be exercised by his Majesty's Subjects at Home, and justly denied to those who submitted to Poverty, Barbarian Wars, Loss of Blood, Loss of Money, personal Fatigues, and ten Thousand unutterable Hardships, to enlarge the Trade, Wealth, and Dominion of the Nation; or, to speak with the most unexceptionable Modesty, that when *as Subjects*, all have equal Merit; a Fatal, nay the most odious Discrimination should nevertheless be made between them, no Sophistry can recommend to the Sober, impartial Decision of Common Sense." After continuing the discussion, at considerable length, the memorial concludes with these spirited words: "The General Assembly of this Colony have no desire to derogate from the Power of the Parliament of *Great Britain*; but they cannot avoid deprecating the Loss of such Rights as they have hitherto enjoyed, Rights established in the first Dawn of our Constitution, founded upon the most substantial Reasons, confirmed by invariable Usage, conducive to the best Ends; never abused to bad Purposes, and with the Loss of which Liberty, Property, and all the Benefits of Life, tumble into Insecurity and Ruin:



Rights, the Deprivation of which will dispirit the People, abate their Industry, discourage Trade, introduce Discord, Poverty and Slavery; or, by depopulating the Colonies, turn a vast, fertile, prosperous Region, into a dreary Wilderness; impoverish *Great Britain*, and shake the Power and Independency of the most opulent and flourishing Empire in the World."

This memorial, with others of like tenor and date, to the King and the Lords, was sent to the Agent of the Colony in England, (*R. Charles, Esqr.*) and its effect was speedily seen throughout the entire coast of America. On the very same day on which this memorial was approved by the General Assembly, (*October 18, 1764.*) it was "Ordered, that the Committee appointed to correspond with the said Agent, BE ALSO A COMMITTEE DURING THE RECESS OF THE HOUSE, TO WRITE TO, AND CORRESPOND WITH THE SEVERAL ASSEMBLIES, OR COMMITTEES OF ASSEMBLIES ON THIS CONTINENT, on the subject Matter of the Act, commonly called the *Sugar Act*; of the Act restraining Paper Bills of Credit in the Colonies from being a legal Tender; and of the several other Acts of Parliament lately passed, with Relation to the Trade of the Northern Colonies; and also on the Subject of the impending Dangers which threaten the Colonies of being taxed by Laws to be passed in *Great Britain*."<sup>1</sup> I need not enlarge, before *this Society*, on the importance of this action by the Representatives of the people of New York. The character of this Memorial bespeaks the determined spirit of the masses of the people, as well as the courage of their Representatives in the Assembly; while the Order which was subse-

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<sup>1</sup> Journal of the General Assembly of New York, *Die Jovis, 9 ho. A. M., Oct. 18, 1764.*



quently entered on the Journal, on the same day, disposes of the question which has been so long and so strenuously argued by Mr. Adams and others, in behalf of Massachusetts, and Mr. Jefferson and others, in behalf of Virginia, respecting which of the two—Massachusetts or Virginia—ORIGINATED THE REVOLUTIONARY COMMITTEES OF CORRESPONDENCE.<sup>1</sup> I acknowledge the

1. On this subject, as on some others, it has been my lot to differ from all who have preceded me. I am well aware that the “invention” of the Committees of Correspondence—which a cotemporary opponent called “the foulest, subtlest, and most venomous serpents that ever issued from the eggs of sedition”—has received the attention of older and abler pens than mine: and that, until this time, two of the sovereign States of the Confederacy—Virginia and Massachusetts—have shared the honor between them, without dispute from any of their sister States, and, apparently, without a murmur or shade of discontent.

Mr. Jefferson and Mr. John Adams, in behalf of their respective States, have led the contestants, with their characteristic zeal and ability; and Messrs. Tucker, Wirt, Burke, Randall, and Campbell, in behalf of Virginia; and Messrs. Hutchinson, Gordon, Bradford, Marshall, John Quincy Adams, and Bancroft, in behalf of Massachusetts, have gallantly seconded the labors of their respective leaders.

In behalf of Massachusetts it has been asserted that, on the 7th Nov., 1770, the General Assembly of that Colony, “Upon motion, Ordered, That Mr. Speaker, Mr. Harcock, Mr. Hall, Mr. Samuel Adams, and Mr. John Adams be a Committee of Correspondence to communicate such intelligence as may be necessary, to the Agent (*Dr. Franklin*) and others in Great Britain; and also to the Speaker of the several Assemblies throughout the Continent, or to such Committees of Correspondence *as they have*, or may appoint. Said Committee, from time to time, to report the whole of the correspondence to the House of Representatives, and to confer with such Committee as the Honorable Board have appointed to correspond with the Agent, as far as they shall judge it necessary”; that this, it was presumed, “was the first appointment of a Committee of Correspondence, of this class”; (*J. Q. Adams to Prof. Tucker*; ) that “while America, generally, was tranquil, *Samuel Adams*, continually musing till the fire within him burned; and *the thought* of correspondence and union among the friends of liberty *flushed upon his mind*”; (*Bancroft*, VI., p. 407, under the date “Sept., 1771”); “that when he (*Saml. Adams*) first proposed his great *inception* for organizing the revolution through Committees of Correspondence, to be appointed by the meetings of the towns, (Nov. 2, 1772,) every one of his colleagues in the delegation from Boston opposed him”; (*Bancroft*, VI., p. 426; ) that, at a town meeting in Boston, Nov. 2, 1772,



existence of no more zealous admirers of Massachusetts and her illustrious revolutionary sons—James Otis, Samuel Adams, and Joseph Warren—in all that *properly* belongs to their history, than I am; nor am I more

a Committee was appointed “to state the rights of the colonists, and of that province in particular, as men, as Christians, and as subjects, and the infringements of them; to communicate them to the several towns, as the sense of the town of Boston; and to request of each town, a free communication of its sentiments on the subject”: that “a certain masterly statesman (*S. Adams*) invented a Committee of Correspondence in Boston,” (*John Adams* in “Novanglus,” *Works*, IV., p. 34.) and that “Gov. Hutchinson having been used to represent the party in opposition, as only an uneasy factions few in Boston, while the body of the people were quite contented, Mr. Samuel Adams was thereby induced to visit Mr. James Warren of Plymouth. After conversing upon the subject, THE LATTER proposed to originate and establish Committees of Correspondence in the several towns of the Colony, in order to learn the strength of the friends to the rights of the continent, and to unite and increase their force.” (*Gordon’s Hist. of the Revolution*, (Ed. London, 1788,) I., pp. 312–313. under date June, 1772.)

In behalf of Virginia, it has been said that “a Court of Enquiry held in Rhode Island in 1772, with a power to send persons to England to be tried for offences committed here, was considered at our session, of the spring of 1773, as demanding attention. Not thinking our old and leading members up to the point of forwardness and zeal which the times required, Mr. Henry, Richard Henry Lee, Francis L. Lee, Mr. Carr, and myself, agreed to meet in the evening, (March 11, 1773,) in a private room of the Raleigh, to consult on the state of things. There may have been a member or two more whom I do not recollect. We were all sensible that the most urgent of all measures was that of coming to an understanding with all the other Colonies, to consider the British claims as a common cause to all, and to produce unity of action; and, for this purpose, that a Committee of Correspondence in each Colony would be the best instrument for inter-communication; and that their first measure would probably be, to propose a meeting of deputies from every Colony, at some convenient place, who should be charged with the direction of the measures which should be taken by all. We therefore drew up the resolutions which may be seen in Wirt’s Life of Patrick Henry. The consulting members proposed to me to move them, but I urged that it should be done by Mr. Carr, my friend and brother-in-law, then a new member, to whom I wished an opportunity should be given of making known to the House his great worth and talents. It was so agreed; he moved them, (March 12, 1773,) they were agreed to *nem. con.*, and a Committee of Correspondence appointed, of whom Peyton Randolph, the Speaker, was Chairman.” (*Autobiog. of*



disposed to overlook the services of Patrick Henry, Thomas Jefferson, the Lees, and others of the equally illustrious Virginians of that day and generation; but I cannot forget that *six years before Massachusetts*

*Mr. Jefferson, Works I., p. 5.)* It has also been said, in her behalf, that "this House (*of Burgesses*, 1773) had the merit of originating that powerful engine of resistance, Corresponding Committees between the Legislatures of the different Colonies." (*Wirt's Patrick Henry*, Ed. 18<sup>th</sup>, p. 5.) and that "*in this manner VIRGINIA laid the foundation of our Union.*" (*Bancroft's United States*, VI., p. 455.)

For the settlement of this disputed question, the representatives of the two parties finally compromised the matter—dividing between themselves, with the utmost coolness, all the honor which *they* had claimed for the "great invention." It was agreed (*Mr. Jefferson to Samuel A. Wells, the grandson of Samuel Adams*, May 12, 1819,) that to Massachusetts belongs the honor of having originated those Committees which had been appointed by *the people, in town meetings*; while to Virginia should be conceded that which resulted from similar appointments by *the Legislatures of the Colonies*. In short, it has settled down to this, as Mr. Bancroft describes it, (*History of United States*, VI., p. 455.) "Massachusetts organized a Province; Virginia promoted a Confederacy."

It has been my lot, as before mentioned, to arrive at a different conclusion, on this very important question. Respecting the Committee of 1770, appointed by the Assembly of Massachusetts, it is well known, in the words of one of her own historians, that "*it does not appear that they wrote to the other Colonies*, as a former letter to them, from Massachusetts, *had been so severely censured in England*," (*Bradford's Massachusetts*, I., p. 237,) in short, that she had "halted on the threshold by reason of English censures." (*Randall's Jefferson*, I., p. 89.) It is also well known that the movements of Samuel Adams, in the town meeting at Boston, November 2, 1772, and the subsequent action of the General Assembly, in June, 1773, were the first practically useful results of Mr. Adams' "great invention"; while the invention of Mr. Jefferson was not heard of, or, so far as we know, thought of, until March 11, 1773.

With these indisputable facts in view, it is a reasonable conclusion that the action of the General Assembly of New York, on the eighteenth of October, 1764, which has been referred to in the text, *was the earliest movement on this subject*, in America; that the popular movement, on the thirty-first of October, 1765, at the King's Arms Tavern, in Broadway, New York, was *THE SECOND COMMITTEE APPOINTED* in America,—both preceding any similar movement in any other Colony; that the printed Journals of the Assembly ("Published by order of the General Assembly: New York, Printed by Hugh Guines, M.DCC.LXVI"); the account of the meeting at the King's Arms Tavern, which appeared in *The Boston Post-*



appointed her first faint-hearted Committee, whose fear of Great Britain precluded the preparation of even a single letter<sup>1</sup>; and nearly nine years before that celebrated meeting at the Raleigh Tavern, Richmond, when Virginia gave birth to her first-born,<sup>2</sup> THE ASSEMBLY OF NEW YORK ORIGINATED THE MOVEMENT, AND APPOINTED A COMMITTEE OF CORRESPONDENCE, WITH ROBERT R. LIVINGSTON AT ITS HEAD. Whatever may have been the case in 1770, concerning Massachusetts, or in 1773 concerning Virginia, New York did not "halt on the threshold by reason of English censures,"<sup>3</sup> even in 1764, although her sisters appear to suppose she was only their imitators, after they had timidly *followed*, years afterwards, in *her* footsteps.

The solemn words which came up from New York and Massachusetts were carried, by trusty messengers, and confirmed and strengthened the patriotic colonists throughout the country; but the threats and the appeals of all were alike disregarded, and, amidst the notes of preparation for resistance in America, of earnest deprecation in the Parliament of Great Britain, and

*boy and Advertiser*, November 11, 1765, and in Edes and Gill's *Boston Gazette and Country Journal*, of the same day; and the earnest appeal to "the Merchants and Traders of Massachusetts Bay," to "proceed in the Prosecution of so judicious a plan and thus evince to the World that they were as disinterested and as wise as their Neighbors", which appeared in Edes & Gill's *Boston Gazette*, November 25, 1765, directed the movements, if they did not originate the ideas, which have since been claimed as "the great invention" of Samuel Adams, in 1772—several years afterwards. Until some earlier "inventor" than Samuel Adams, in Massachusetts, or Thomas Jefferson in Virginia, can be found, to *New York* must be conceded not only the honor of "organizing a Province," but, also, of "promoting a Confederacy."

1 Bradford's Massachusetts, I., p. 237.

2 Autobiography of Mr. Jefferson. (*Works*, I., p. 5.)

3 Randall's Life of Jefferson, I., p. 80.



of the deepest anxiety among the merchants and people of England, the Act passed.<sup>1</sup> A memorial from the English merchants trading to Jamaica, asking to be heard by Counsel, had been offered for presentation, and, afterwards, withdrawn, as an infringement of the rules of the House.<sup>2</sup> Virginia<sup>3</sup>, and South Carolina<sup>4</sup>, and Connecticut<sup>5</sup>—the last in “the most moderate language”<sup>6</sup>—

1 Journals of the House of Commons, Mercurii, 27 Die Febrarii, 1765, (Edit. 1803, Vol. XXX, p. 193); Journals of the House of Lords, Die Veneris, 8th Martii, 1765, (Vol. XXXI, p. 67); Journals of the House of Lords, Die Veneris, 22d Martii, 1765, (Vol. XXXI, pp. 91–93.)

2 “A Petition of several Persons trading to, and interested in the Island of Jamaica, relating to the said Bill, *was offered to be presented to the House.* And a Motion being made, and the Question being proposed, *That the said Petition be brought up;* The Journal of the House, of the 8th Day of March, 1732, relating to the Petition of Richard Partridge, Agent for the Colony of Rhode Island, &c., was read. Then the said Motion was, by Leave of the House, withdrawn.” (*Journal of House of Commons, Veneris, 15 Die Febrarii, 1765—Edit. 1803, Vol. XXX, pp. 147–8.*) It will be seen from this extract that the petition was not allowed to come before the House.

3. Her petition was offered for presentation by Edward Montagu, Esq., her Agent, and prayed the House, “to take their Unhappy Circumstances into Consideration; and that their House of Burgesses may be continued in the Possession of the Rights and Privileges they have so long and uninterruptedly enjoyed; and that they may be heard, by their Counsel, against any Bill that may be intended to charge Stamp or any other Duties on the Colony of Virginia.” (*Journal of House of Commons, Veneris, 15 Die Februario, Edit. 1803, Vol. XXX, p. 148.*) See also Bancroft’s History of the United States, V., pp. 244–6.

4 Her memorial prayed “that the House will not approve of any Bill that may be offered, charging Stamp Duties in the Province of South Carolina.” (*Journal of House of Commons, same date and volume as the last.*)

5 The “Petition of the Governor and Company of the English Colony of Connecticut in New England,” prayed “that the Petitioners *may be indulged* in the Exercise of the Power of laying all internal Taxes on the Colony; and that the Resolution of the House, in the last Session of Parliament, may not be carried into execution, by a Bill for imposing Stamp Duties on the Colonies.” (*Journal of the House of Commons, same date and volume as the last.*)

6 Bancroft’s History of the United States, (*First Edit.*) V., p. 246.



had also prayed for a hearing, without effect. New York, fully conscious of her integrity, and scorning concealment of her sentiments, had next demanded, in the terms which I have just recited, a recognition of those natural rights, of which neither Kings or Parliaments could justly deprive her ; but her “insolence” had been so great that no member, even the fearless Barre, had been found with courage sufficient to present her memorial.<sup>1</sup> The debate in the House, before the passage of the Bill, had, also, been spirited and obstinate ; and Colonel Barre’s indignant rebuke of Charles Townshend, which is so well known, furnishes evidence of its bitterness. All had been alike unavailing ; and the sober, business-like appeal to the judgment of the House, by the merchants of Britain, not less than the “moderation” of some, and the “insolence” of others, of the Colonies, passed by the Government “as the idle wind which it regarded not.” The Bill passed, as I have said, notwithstanding the opposition of both England and America ; and the intelligence of its success reached the Colonies, soon afterward. New England, paralyzed by the fatal admission of the “supremacy of Parliament,” which Otis had yielded, was dumb with chagrin<sup>2</sup> ; while to Virginia and New York was

1 This memorial, to which allusion has been made already, for the reason stated in the text, is not mentioned, or referred to, in the Journals of the House of Commons. Mr. Bancroft, (*Hist. of the United States*, First Edit., V., p. 246,) has referred to it, and given several authorities, among which is a letter from Mr. Charles, the Agent of the Colony, to the Committee of Correspondence.

2 “New England, where the chief writer against the impending Stamp Act had admitted the jurisdiction of the British Parliament, was slow to anger. The child of Old England, she was loth to impute to the parent country a fixed design to subvert her rights.” (*Bancroft’s Hist. of the United States*, First Edit., V., p. 270.)



reserved the joint honor of leading America to independence.<sup>1</sup>

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1 The following specimens of the admissions which were made by the great leaders of the people of New England, contrasted with the sentiments which prevailed in New York, will serve to show who were *not* (if they do not show who *were*) the leaders of the American revolution. “~~I~~ I also lay it down as one of the first principles from whence I intend to deduce the civil rights of the British colonies, that all of them are subject to, and dependent on, Great Britain; and that, *therefore*, as over subordinate governments, *the Parliament of Great Britain has an undoubted power and lawful authority*, to make acts for the general good, *that by naming them, shall and ought to be equally binding*, as upon the subjects of Great Britain within the realm.” (*James Otis, Rights of the British Colonies Asserted and Proved*, Third Edit., p. 49.) “Is there the least difference, as to the consent of the Colonists, whether taxes and impositions are laid on their trade, and other property, by the Crown alone, or by the Parliament? As it is agreed on all hands, the Crown alone cannot impose them, we should be justifiable in refusing to pay them, but *must and ought to yield obedience to an act of Parliament, though erroneous, till repealed.*” (*The same work*, p. 57.) The same gentleman, (*James Otis*), in his *Vindication of the British Colonies*, (Boston, 1765,) p. 21, says, in answer to an opposing writer: “By regulating trade, I suppose he means, according to the common sophism, taxing trade. Even in this sense,” he adds, “‘tis admitted the parliament have the same right to levy internal taxes on the colonies, as to regulate trade: *and that the right of levying both, is undoubtedly in the parliament;*” and on page 26 of the same work, after alluding to similar sentiments, which had been published by the popular leaders in Rhode Island and Connecticut, in pamphlets which he refers to, he says, “These, so far as I can find, are all the pamphlets that have been published in America, upon the proposed new regulations of the colonies.” Those who have read Stephen Hopkins’ *Rights of the Colonies Examined*, will bear witness that, so far as Rhode Island is concerned, when her Assembly adopted that work as its own, she fully admitted the supreme authority of the Parliament, while the sentiment of Governor Fitch of Connecticut, (*Letter to Richard Jackson*, 23 Feb., 1765, cited by Mr. Bancroft,) that “if parliament, in their superior wisdom, shall pass the act, *we must submit,*” was, probably, that of the people of that Colony.

While these publications were appearing in New England, the popular leaders in New York were arousing the people of that city, and “pointing to independence,” by such articles as the following, which appeared in Holt’s “*N. Y. Gazette and Weekly Postboy*,” 1157, March 7, 1765.

“*The Printer is desired to insert the following:*

“We hear from the Eastward, that some infamous scribbler in Opposition to the Pieces that have been publish’d in Defence of the Rights of the



Receiving strength from the discordant sentiments which prevailed in the several Colonies, the Ministry

Colonies, has attempted to prove, that we in the Colonies are so far from being free Englishmen, that we are as arrant Slaves as any in France, or Spain, or any Nation in Europe, not excepting Turkey itself. Such Wretches ought to feel the Resentment of the People they endeavour to injure: They ought to be driven from among Free men, and be forced to herd with such Slaves as they are desirous to make of their Countrymen: Can Wretches of this Sort, think, by such vile, detestable Attempts, to recommend themselves to the Favour of any Friend to the British Constitution in England? No. They equally deserve the Resentment of the English Court and People, as of the Colonies; they are equally Enemies to both, for the Liberty and Property of both stand precisely upon the very same Foundation, nor can the least Encroachment be made upon one, without an equal Injury to the other: And when the British Constitution is violated by illegal Impostors on the Colonies, then, it is high Time for England itself to take the Alarm, and fear to be obliged to submit to the same Fate. The stale Pretence, that the Colonies aim at an *Independency*, is so entirely senseless and ridiculous, as to be almost beneath a serious Refutation. If their Rights and Privileges as Englishmen are preserved and maintain'd, what can they expect or desire more under any Government? They can have no possible Motive to desire a Change, tho' they should become ever so populous and powerful. But if those *Rights and Privileges are violated*, what Reason then can remain why they should prefer the British to the French Government, or any other? They may indeed, from their present Weakness, be compell'd to submit to the impositions of Ministerial Power, but they will certainly consider that Power as Tyrannical; they will hate and abhor it, and, as soon as THEY ARE ABLE, will throw it off; or, perhaps, try to obtain better Terms from some other Power.

The French, natural Enemies to England, rejoice in the measures taken to alienate the affections of the Colonies from their Mother Country—And shall not the Wretches, who stir up and impose those measures, be consider'd as Enemies to his Majesty our beloved Sovereign, and the whole British Nation, as well as to the Colonies? Surely they ought, for such they are.

The Term *Mother Country* is properly expressive of the Relation between Great Britain and her Colonies; They are to be consider'd as her Children, not her Slaves; the Freedom of both is the same, and the most dutiful Returns of Gratitude and Love, will always be made for every Instance of Maternal Affection. Let a Nation's Curse be the Portion of every man that attempts to loosen the sacred Bands of Love and Duty by which they are United.

G."

Similar sentiments appeared in *The Sentinel*, No. III., (Holt's N. Y. Ga-



proceeded, at once, to make preparations for the execution of the law. For this purpose the stamped paper was duly prepared<sup>1</sup>; young men, then engaged in the Departments, in England, received orders to prepare for a removal to America, for the purpose of organizing the business in the several Colonies<sup>2</sup>; and, with the hope of pacifying the people, the principal offices were filled with gentlemen who resided in America, but who were known to have been steady friends of the Government.<sup>3</sup> Messrs. Oliver, in Massachusetts; Jared Ingersoll, in Connecticut; James McEvers, in New York; and Zacharias Hood, of Maryland, were among those who were thus honored by the Ministry; and they were, thereby, rendered most conspicuous as fit objects for the resentment of the people.

The intelligence of the passage of the Bill, although expected, appears to have staggered the Colonists; and its reception, after the first outbreak of feeling had subsided, was followed by a season of expressive inactivity<sup>4</sup>—that quiet which, generally, precedes a storm of unusual severity. It was not long, however, before the Sons of Liberty resumed their wonted activity—the very means which had been provided for the pacification of the people, more than any other, serving to produce the opposite result, in the almost universal outcry which was raised against those residents of the Colonies who had consented to serve as Ministerial task-

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*zette*, No. 1158, March 14, 1765,) in two papers signed "Freeman," in Holt's *N. Y. Gazette*, Nos. 1167, 1170, 1171, and 1173; and in similar articles in the same paper, Nos. 1165, 1166, 1177, &c.

1 Minutes of the Treasury, cited by Mr. Bancroft. (*Hist. United States.* V., p. 322.)

2. London Chronicle, No. 1428, June 15, 1766.

3. Bancroft's *United States*, V., pp. 250, 267.

4. Bancroft's *United States*, V., pp. 270–2: Lieut. Gov. Colden to Earl of Halifax, April 27, 1765; The same to the Board of Trade, June 7, 1765: (*Colden MSS.*, N. Y. *Hist. Society's Library*;) Graham's *U. S. States*, IV., p. 197.



masters over their countrymen; and while Massachusetts, without even disputing the Constitutionality of the Act, suggested the means of securing concert of action among the Colonies, by means of a Federal Congress; and while Virginia, also defendant, was "ringing the alarumbell," and marshalling the Colonies to resistance; to "*The Sons of Liberty*," in New York, was reserved the honor, as one of our brethren appropriately calls it, of "*pointing to independence.*"<sup>1</sup> "The great fundamental principles of government," said John Morin Scott, at that time,<sup>2</sup> "should be common to all its parts and members, else the whole will be endangered. If, then, the interest of the mother country and her colonies cannot be made to coincide; if the same constitution may not take place in both; if the welfare of the mother country necessarily requires a sacrifice of the most natural rights of the colonies—their right of making their own laws, and disposing of their own property by representatives of their own choosing—if such is really the case between Great-Britain and her colonies, *then the connexion between them ought to cease; and, sooner or later, it must inevitably cease.* The English government cannot long act toward a part of its dominions upon principles diametrically opposed to its own, without losing itself in the slavery it would impose upon the colonies, or leaving them to throw it off and assert their own freedom." In tones such as these, at that early date, did "*the Sons of Liberty*" in New York, "*point to independence,*" and guide the judgment of their brethren in every part of the Continent. Nor were their appeals disregarded. The seed which was thus sown "*fell in good ground;*" and, from

1 Banerott's United States, (*First Edit.*) V., p. 284.

2 In an Essay, signed 'Freeman'—one of several in different numbers of that paper—in Holt's *N. Y. Gazette*, Nos. 1170, 1171, and 1173.



Maine to Georgia, the golden harvest which, soon afterwards, graced the hills and valleys of our country, bespoke the industry as well as the skillfulness of these laborers in the cause of Freedom and Independence. "Such were the words," says the author, to whom I have already referred,<sup>1</sup> speaking of this document, by Scott, "in which the sober judgment of New York embodied its convictions. They were caught up by the impatient colonies; were reprinted in nearly all their newspapers; were approved of by the most learned and judicious on this Continent; and even formed part of the instructions of South Carolina to its agent in England."

Throughout the entire Atlantic seaboard arose, at once, the busy note of preparation; and stamps and stamp-masters were alike threatened with the vengeance of the colonists. New York, in this, as in all other practical movements, as may be supposed, was not a whit behind the most audacious of the other colonies. The royalist governor, Colden, speaking of the state of the colony at that time,<sup>2</sup> says, "virulent papers were published in the Weekly Newspapers, fill'd with every falsehood that malice could invent to serve their purpose of exciting the People to disobedience of the Laws and to sedition. At first they only denied the authority of Parliament to lay internal Taxes in the Colonies, but at last they have denied the Legislative Authority of the Parliament in the Colonies, and these Papers continue to be published."

The resolute firmness of the Liberty Boys in New York, at this time, can be seen in the following extract from a letter<sup>3</sup> written by Lieutenant-governor

1 Baneroff's United States, (*First Edit.*) V., p. 284.

2 Lieut Gov. Colden to Sec'y Conway, 23 Sept., 1765.

3 Lieut. Gov. Colden to Sir Wm. Johnson, Aug. 31, 1765.



Colden to Sir William Johnson : "No doubt you have heard of the riot at Boston," he says, "and of the Seditious discourses & threats at New York. James McEvers has accepted the Office of Distributor of Stamps, and entered into Bonds. Yesterday (*August 30*) he sent me his Resignation of this Office, being terrified by the sufferings & ill-usage the Stamp Officer met with in Boston, & the threats he has received at New York." On the same day Gen. Gage wrote to the Governor,<sup>1</sup> then at his country seat on Long Island, respecting the temper of the people; and, on the 2d September, the latter answered, asking for a military force to protect the Government.<sup>2</sup> "A Weak Force," he said, "which the seditious can have any hopes of overcoming may be productive of great mischief. I therefore think that if it can be done without prejudice to his Majesty's Service, a Battalion may be necessary on this occasion, in order to cut off all hopes of success in any seditious attempts, or, if such a number can not be had in time, I am of opinion that it may be proper to order as many as circumstances will allow, to march immediately to New York, and that they who are nearest, or least wanted march without delay." On the following day, impressed still more strongly with the necessity to provide protection from the threatened violence of the people, he addressed a letter to Captain Kennedy, of His Majesty's ship, the *Coventry*,<sup>3</sup> stating that plans had been laid for the destruction of the Stamps, and strongly soliciting his assistance in protecting them.

Early in September, 1765, the Liberty Boys in Annapolis, Maryland, took measures to rid themselves of

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<sup>1</sup> Gen. Gage to Lieut. Gov. Colden, Aug. 31, 1765.

<sup>2</sup> Lieut. Gov. Colden to Gen. Gage, Sept. 2, 1765.

<sup>3</sup> Lieut. Gov. Colden to Capt. Kennedy, Sept. 3, 1765. (*Colden MSS.*, New York Historical Society's Library.)



the presence of Zacharias Hood, the Stamp Master, who had been appointed for that Colony, and they compelled him to seek refuge in this city.<sup>1</sup> As soon as his arrival at the King's Arms Tavern became known to the Sons of Liberty in New York, "a design was formed to force a resignation from him, which he escaped the moment before it was to be put in execution, by retiring into the Fort."<sup>2</sup> The appeal which was made to Gov. Colden,<sup>3</sup> and his reply to the fugitive stamp master,<sup>4</sup> are amusing specimens of epistolary correspondence : but the King's service required the protection of Hood, and the Governor granted him a shelter. But the guns of the Fort and its garrison did not long divert the Sons of Liberty from their object; nor was the shelter which the royal Governor had extended to the fugitive, more productive of safety than the parlors of the King's Arms. A large delegation from the Sons visited him, soon afterwards, and compelled him to resign; and, on the 28th November, notwithstanding the King's colors floated over his place of refuge, they compelled him to make oath of the sincerity of his renunciation.<sup>5</sup> The Sons of Liberty in Baltimore, in the following March, sent a formal letter of thanks to the Sons in New York, and the matter ended.<sup>6</sup>

1 Lieut. Gov. Colden to Sec'y Conway, 23d Sept. 1765 ; Eddis's Letters, pp. —, —, Bancroft's United States, V., p. 315; Leake's Life of Gen. Lamb, p. 21.

2 Lieut. Gov. Colden to Sec'y Conway, 23d September, 1765.

3 Zacharias Hood to C. Colden, from *the King's Arms Tavern*, Sept. 16, 1765. (*Colden MSS.*, N. Y. Historical Society's Library.)

4 Lieut. Gov. Colden to Zacharias Hood, *at the King's Arms Tavern*, Sept. 1765. (*Colden MSS.*, N. Y. Hist. Society's Library.)

5 Leake's Life of Gen. Lamb, p. 21.

6 Tho. Chase, Wm. Lux, D. Chamier, Rob. Alexander, and Rob. Adair, "to the Sons of Liberty in New York." "Baltimore, 6 March, 1766," in the "*Lunch Papers*," in *MSS.*, N. Y. Hist. Society's Library.



During this period—between the receipt of the intelligence of the passage of the Bill, and the time it was to take effect—the free press of New York was actively engaged in disseminating the most radical sentiments on the great fundamental principles of government; on the relative rights and duties of the government and the governed; on the relative rights and duties of the mother country and the colonies; on the character, purposes, and anticipated effect of the obnoxious Act; on the duties of the colonies in the emergency; and on other kindred subjects. In this work the popular leaders resorted both to the established newspaper press—of which “*The New-York Gazette, and Weekly Post-boy*”, published on Thursdays in each week, by John Holt, was the principal organ of the Sons of Liberty—and to special publications designed for extraordinary occasions; and the plan of operations thus adopted, as well as the sentiments which were thus thrown broadcast over the country, were imitated, and responded to, in the different colonies of the seaboard, especially in Massachusetts, Virginia, and South Carolina.

Thus, in September, 1765, “a political paper entitled ‘THE CONSTITUTIONAL COURANT,<sup>1</sup> containing Matters interesting to Liberty, but no wise repugnant to Loyalty; purporting to have been ‘Printed by Andrew Marvel, at the Sign of the Bribe refused, on Constitution-Hill, North America,’ was put into circulation. In the centre of the title was a device of a snake, cut into parts, to represent the Colonies, with ‘Join or die,’ as a mot-

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<sup>1</sup> Mr. Isaiah Thomas (*History of Printing*, II., p. 322) supposes this sheet was called “*The Constitutional GAZETTE*”; but the copies which Lieut. Gov. Colden enclosed to the Ministers in England, and a copy, carefully made from an original, (in Yale College,) for Hon. George Bancroft, bear this title; and I have considered the authority of the latter, unquestionable.



to.<sup>1</sup> It contained "Well written and spirited essays against the obnoxious Stamp Act, which were so highly colored that the editors of newspapers in New York, even Holt, declined to publish them." It had been written by William Goddard, and a large edition secretly printed at Woodbridge, N. J.; from whence it had been conveyed, privately, to New York; and, through the agency of "hawkers, selected for that purpose," it had freely circulated through the city. It had a rapid sale; was quickly reprinted, privately, both in New York and Boston; and, at length, it received the attention of the Governor and Council. Every effort of that body to trace it to the printer, however, was fruitless; and the witticism of one of the venders of the paper, in ascribing its origin to "*Peter Hasseuclever's Iron Works,*" furnished a nominal origin to the publication, which served, also, for others of the same class, which subsequently appeared, on the same subjects.<sup>2</sup>

1 When this device appeared on this paper, it was the *first time it had been employed in opposition to the Home Government.* Dr. Franklin had used it, in "*The Pennsylvania Gazette,*" May 9, 1754, as an incentive to an union of the Colonies in opposition to the encroachments of the French; but not until the issue of the *Courant*, eleven years afterwards, was an union of the Colonies, to secure them-selves from the aggressions of the Crown, thus insisted on. The next appearance of it was for the same purpose, in the Boston, New York, and Philadelphia newspapers, in July, 1774.

2 A full and interesting account of this publication can be found in Thomas's *History of Printing*, II., p. 322. Lieut. Gov. Colden (*Despatch to Secretary Conway, 12th October, 1765.*) evidently referring to this sheet, says, "The inflammatory Papers continue to be published, exciting the People to oppose the execution of the Act of Parliament for laying a Stamp Duty in the Colonies. The most remarkable of these Papers is enclosed. This was distributed along the Post Roads by the Post Riders. I examined the Post Master in this place to know how this came to be done. He assured me that it was without his knowledge: that he had examined the Post Riders, and found that one or more Bundles of them were delivered at Woodbridge, New Jersey, by James Parker, Secretary to the General Post Office in N. America \* \* \* It is believed that this Paper was printed by him. *The Gentlemen of the Council think it prudent at*



The same sentiments were also inculcated in ballads, with which the streets of the city resounded, in opposition to Grenville and the Stamp Act. One of these, the property of Henry T. Drown, Esq., of this city, is now before me:

“AN EXCELLENT  
NEW SONG  
For the SONS OF LIBERTY in  
AMERICA.

By a Gentleman in the City of NEW YORK.”

It embraces thirteen stanzas, with a chorus, the character of all of which will appear from the following specimens:

I.

“In Story we're told, How our Fathers of old,  
Brav'd the Rage of the Winds and the Waves,  
And cross'd the Deep o'er, To this Desolate Shore,  
All because they were loth to be SLAVES; *Brave Boys,*  
All because they were loth to be SLAVES.

II.

Yet a strange Scheme of late, Has been form'd in the State,  
By a Knot of political Knaves,  
Who in Secret rejoice, that the Parliament's Voice,  
Has condemn'd us by Law to be SLAVES; *Brave Boys,*  
Has condemn'd us by Law to be SLAVES.

\* \* \*

XII.

With the Beasts of the Wood, We will ramble for Food,  
And lodge in wild Desarts and Caves  
And live Poor as *Job*, on the Skirts of the Globe,  
Before we'll submit to be SLAVES; *Brave Boys, &c.*

*this time to delay making more particular inquiry, least it should be the occasion of raising the Mob, which it is thought proper by all means to avoid.”*



The Birthright we hold, Shall never be sold,  
 But sacred maintain'd to our Graves;  
 Nay, and ere we 'll Comply, We will gallantly die,  
 For we *must not* and *will not* be SLAVES; *Brave Boys*  
*We must not, and will not be SLAVES.*"

While these fugitive sheets were spreading treason throughout the city and colony, especially among the poorer classes of the people, with whom this class of publications has always been a great favorite, the "solid men" of New York—merchants and tradesmen—were similarly supplied through the columns of the newspaper press.<sup>1</sup> A single specimen beyond those already referred to, will suffice in sustaining this remark. In a "*General Advertiser*" for Holt's "*New York Gazette and Weekly Postboy*," No. 1183, *Thursday, September 5, 1765*, appeared an article, from which I extract the beginning and part of the conclusion: "The 7th of February 1765, died of a cruel *Stamp* on her Vitals, Lady N—th Am—*can Liberty*. She was descended from the ancient and honorable Family of the BULLS. Her Father John Bull, Esq.; married her, agreeable to her own desire, to a worthy Gentleman of noble Blood, tho' of no large Fortune, whose name was TOLERATION, and gave her in Dower a certain Tract of uncultivated Land, which she called after her Name, N—th Am—ca, which she with her Husband came and took Possession of, with this additional Grant, that she, her Children and dependants, should enjoy all the Liberties and Immunities of natural-born Subjects of him the said

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1 "Soon after it was known that Stamp Duties were by Act of Parliament to be paid in the Colonies, virulent papers were published in the Weekly Newspapers, fill'd with every falsehood that malice could invent to serve their purpose of exciting the People to disobedience of the Laws and to sedition. At first they only denied the authority of Parliament to lay internal Taxes in the Colonies, but at last they have denied the Legislative Authority of the Parliament in the Colonies, and these Papers continue to be published." *Lient. Gov. Cullen to Sec. Conway*, "New York 23 September, 1765."



John Bull." \* \* \* \* "Thus died the most amiable of Women, the best Wife, the most dutiful Child, and the tenderest Mother—Happy for her Family, she has left one Son, who was the Child of her Bosom and her only Hope; him she often said she prophetically named *I-l-p-d-ce*,<sup>1</sup> and on him the Hopes of all her disconsolate Servants are placed for relief under their Afflictions, when he shall come of Age."

\* \* \*

In consequence of these movements among the Sons of Liberty, the populace was fully prepared to resort to any extremity which might be necessary to protect the rights of the people; and the Government was so far intimidated that no steps were taken either to stop the circulation of these publications or to punish their authors. The venerable Lieutenant-governor, writing to the Home Government,<sup>2</sup> says: "I agreed with the Gentlemen of the Council that *considering the present temper of the people* this is not a proper time to prosecute the Printers and Publishers of the seditious Papers. The Attorney General likewise told me that he *does not think himself safe* to commence any such Prosecution. But what weighs with me is, that I am fully persuaded some of the most popular lawyers<sup>3</sup> are the Authors of the seditious Papers, and have been countenanced by some of the Judges and others of the highest Trust in the Governm<sup>t</sup>. No Man who converses generally and knows the characters of the Men doubts who the Authors are, but in the present circumstances it is not practicable for me to obtain legal evidence."

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<sup>1</sup> Independence.

<sup>2</sup> Letter to Sec'y Conway, Sept. 23, 1765.

<sup>3</sup> When it is borne in mind that the "*most popular* lawyers" were William Smith, Jr., William Livingston, John Morin Scott, and Rob't R. Livingston, the part which the *Sons of Liberty* performed in this work will be readily perceived.



At length the time drew nigh when the first shipment of stamps was expected in New York; and, although the Home Government had shipped them secretly,<sup>1</sup> in order that the London Agent of the Liberty Boys might not know in what vessel they were to be sent, and that the New Yorkers might be thrown off their guard, the jealous care of Lieutenant-governor Colden considered it necessary to provide other and most extraordinary means for their protection. The venerable Chief Magistrate of the Colony thus relates the circumstances<sup>1</sup> in his despatches to the Home Government: "The People of this place having openly declared their intention to destroy the stamped papers designed for this Province, I desired the Captains of His Majesty's Ships of War, now in the River, to protect the ship in which they should come. For this purpose a sloop was placed at Sandy-Hook and a Frigate midway between that and this place, while the *Coventry* layd before the Town. By this care, the ship *Edward*, Davis Commander<sup>2</sup> having ten packages of stamp'd papers on board, was brought to an anchor under the guns of the Fort and protection of His Majesty's Ships."

Intelligence of the arrival of the Stamps was quickly circulated throughout the city; and, in every quarter, the greatest anxiety prevailed—all the Shipping at the Wharves receiving the newly-arrived, with their colors at half-mast, "to signify *Mourning, Lamentation*, and

<sup>1</sup> "They were ship'd so privately, that not a Passenger in the Ship knew of their being on board, till a Man-of-War here came on board to take Care of their Security." Holt's *N. Y. Gazette and Weekly Postboy*, No. 1190, Oct. 24, 1765.

<sup>2</sup> "On Tuesday evening (October 22, 1765) arrived the Ship *Edward*, Captain William Davis, in nine Weeks from London, and six Weeks and three Days from Falmouth. \* \* \* \* Capt. Davis, who brought us, last Voyage, the News that the Stamp Act was passed, has brought the Stamps themselves, intended to enslave us." Holt's "N. Y. Gazette and Weekly Postboy," No. 1190, Oct. 24, 1765.



*Woe*;<sup>1</sup> and every citizen feeling the responsibility which had devolved on him to meet the issue as a man and an Englishman.

Not the least anxious among the many was the Lieutenant-governor, whose zeal for the Royal cause never flagged behind his own intense love of gain. Fully sensible of the popular feeling, as he had always been, he hesitated in the execution of his desire to land the Stamps; and he sought the advice of the Council, before he incurred any risk in the premises. That body, however, wisely disregarded the summons—three only out of seven responding; and these declined giving any advice, from a fear of personal liability which such a step might impose on them.<sup>2</sup>

It appears that the ten boxes of stamps had been shipped as merchandise, at different times, probably without the knowledge of the Captain; and they had been stowed in different parts of the ship, without any regard to their character. To bring the ship to the wharf, and await the discharge of the cargo before securing the ten cases, was known to be equivalent to a surrender of them to the people; while a detention of the ship in the stream, until the cargo could be over-hauled and the boxes discharged, exposed those who advised and ordered such a course, to an action for damages, by every person who had goods on board—a risk, under the then state of the public mind, which the learned Councillors would not assume. They ventured so far, however, as to advise the Lieutenant-governor “to hire a sloop to take the goods on board till the packages of stamped Papers could be come at”; and

<sup>1</sup> Holt's “*N. Y. Gazette and Weekly Postboy*,” No. 1190, Oct. 24, 1765.

<sup>2</sup> Lieut. Gov. Colden to Sec'y Conway. Oct. 26, 1765.



he appears to have grasped at this remedy without delay. Yet the troubles of the Lieutenant-governor ceased not here. The Merchants owned the sloops which he desired to employ; and as the Merchants, as he learned soon afterwards, were among the most determined opponents of the Act, he quickly ascertained that "*no sloops would be hired AT ANY RATE for this service.*"<sup>1</sup> He found that instead of receiving the sympathy and co-operation of the business men of the city, he was but throwing himself into the hands of the leaders of "the faction," of which he had written so much and so bitterly; and, in his perplexity, he was constrained to say, "His Majesty's Ministers are the best judges of the means to curb this licentious factious spirit: *If it be done in the trading towns the Country will follow.*"<sup>2</sup> He had "resolved to have the Stamped Papers ready to be delivered at the time the law directed," however; and fearing to impress a sloop lest a riot should be produced, assistance of the crews of the men-of-war was solicited and obtained,<sup>3</sup> and, with their aid, the stamps were landed and deposited within the fort, without any opposition from the citizens.<sup>4</sup>

While the Chief Magistrate of the Colony was thus anxiously employed in securing the Stamps, with an expressed determination to issue them on the day appointed by the Act, the Sons of Liberty were employed, with no less zeal, in providing means to prevent the execution of the Law; and, among other measures to effect that object, on the evening of the twenty-third of October—the night after the *Edward* came into the harbor—manuscript placards were "pasted upon the

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<sup>1</sup> Lieut. Gov. Colden to Sec'y Conway, Oct. 26, 1765.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Lieut. Gov. Colden to Sec'y Conway, Nov. 5, 1765.



doors of Every public Office, and at the corners of the streets"—all in the same words—the exact language of which will convey, in the fewest words, the meaning of the writers:<sup>1</sup>

“Pro Patria

The first Man that either distributes or makes use of  
Stamp Paper let him take Care of his House, Person,  
& Effects.

Vox Populi

We dare”

On the thirty-first of October, the Governors of the several Colonies took the required oath to carry the Act into effect; although there was no one so mean, and yet so courageous, as to attempt to execute it. There was no lack of desire, however, on the part of Gov. Colden, to discharge his duty to his Sovereign; and, notwithstanding the experience of McEvers, his son David applied for the situation of Stamp-master, promising to execute the duties of the office, and assuring the Government that “the neighboring Provinces have their Eyes fixed upon this Province, & what ever is done here will determine their Conduct on this occasion.”<sup>2</sup> Major James, also, who had arrived in the city, at the head of two companies of artillerists, had sustained the Governor, by his active preparations for defending the Fort: while an insolent remark which he had made—that “he would cram the stamps down their throats with the end of his sword”—and a threat that “if they attempted to rise, he would drive them all out of the town, for a pack of rascals, with four-and-twenty men,” filled the people with in-

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<sup>1</sup> Lieut. Gov. Colden, to Sec'y Conway, Oct. 26, 1765.

<sup>2</sup> David Colden to the Commissioners of the Stamp Office, New York, Oct. 26, 1765. (*The Colden MSS.*, New York Historical Society's Library.)



dignation, and excited them to violence.<sup>1</sup> With a degree of bold defiance, which has scarcely ever found a parallel, the Sons of Liberty published beforehand that on the first of November, when the Act was to

1 It has been maintained, by a connexion of Major James, that that officer was incapable of such language as I have here imputed to him; and I have carefully examined the evidence in order to satisfy myself which of the two—my own statements or the convictions of my friend and those who agree with him—are nearest the truth. On the part of the people I find it distinctly stated in Holt's "*N. Y. Gazette and Postboy*, No. 1192, Thursday, Nov. 7, 1765," that "The haughty Friends to arbitrary Power" were encouraged "to talk in an impassioned Strain—to speak contemptible of our Power and Resolution, and either in jest or earnest declare the *Act should be executed, that it should be crammed down our Throats, &c.*" It is dangerous even to jest upon Matters that lie so very close to the Heart. Whether these Reports were true or false, I know not; but many such had been current for some Time about Town, and were imputed to several Persons, one of whom severely felt the Effects." Lieut. Gov. Colden also refers to this subject, in a letter to Mr. Grenville, under date, "*New York, October 22, 1768*," in these words: "Major James, of the Artillery regiment, in 1765, carried into the Fort, without my Knowledge, while I was in the country, several howitzers with their shells, and other artillery, ammunition and stores. This gave the first uneasiness to the people, and some imprudent discourse he used at that time raised their resentment more against him than any man in the Province, so far that he did not think it safe to continue in it." (*Grenville Papers*, IV., pp. 386-7.) But more important than either of the above, is the language of Major James himself, in a letter which he addressed to Lieut. Gov. Colden, after his return to England. In this letter he narrates his examination before the Bar of the House of Commons, concerning which he says, it "came on a little before nine and lasted past eleven."

"*MY ACCUSATIONS.—I threatened to cram the stamps down their throats with the end of my sword. Second, If they attempted to rise, I would drive them all out of town, for a pack of rascals, with four-and-twenty men. Third, That I had in contempt to the gentlemen, thrown an Almanack into the fire, that had not been stamp'd. Fourth, That I had turned some ladies and gentlemen off the ramparts of Fort George, because they should not see the works I was carrying on. Fifth, That I had been over officious in my duty.*

"*When the questions were put to me, I answered in the affirmative.*" (*Colden Papers*. in the collection of the Hon. George Bancroft, of New York.)

Upon this testimony, much as I respect Major James' general character,



take effect, they would rise against the Government, and bury Major James alive.<sup>1</sup>

In the meantime, the Merchants of New York, among whom were several of the leading Sons of Liberty, with that good judgment which becomes the profession, took measures to assail the Bill in a novel and exceedingly sensitive quarter. They resolved to attack the manufacturing and mercantile classes of England,—or rather the Government through them,—and by, provisionally, cutting off the trade which had been built up between New York and Great Britain, they expected to secure the co-operation of the merchants, the manufacturers, and the artisans of the mother country, in their attempt to secure the repeal of the Act. For this purpose, on the evening of the 31st October, 1765, “a general Meeting of the Merchants of the City of New York, trading to Great

I am constrained to believe that, in the excitement of the moment, he used language which, in his calmer moments, he should have remembered with regret: yet as these indiscreet remarks were productive of very important results, I have not felt at liberty either to modify or overlook them.

1 “The people here are prodigiously discontented, and their actions are but a little way from open rebellion: *They talk publicly of attacking Fort George, and burning the stamps.*” *Letter from New York in the London Chronicle*, No. 1461, Dec. 12, 1765.

“FORT GEORGE, October 31, 1765.

“SIR: The bearer hereof John Bridge informs me that he was told this morning by one John Ketcham, a Shoemaker in this City, that there was a design to bury Major James alive this Day or Tomorrow. I have likewise been otherwise inform'd that a Riot or tumultuous Proceedings were intended this Day or Tomorrow. I must desire you will Examine Bridge & Ketcham, and that you & the other Magistrates will do every thing in your power to prevent a Mob or Riot, and to preserve the Peace & Order of the City, and in so doing, in Case it be requisite, I shall give you all the assistance in my Power to maintain the Peace.

I am with great Regard &c.

To John Cruger, Esqr.

CADWALLADER COLDEN,

Mayor of the City of New York.”



Britain." was held at the City Arms Tavern, kept by George Burns,—now the well-known "Atlantic Garden," in Broadway,—"to consider what was necessary to be done in the present Situation of Affairs, with Respect to the STAMP ACT, and the melancholy State of the N. American Commerce, so greatly restricted by the Impositions and Duties established by the late Acts of Trade." After due consideration the meeting resolved, "*First.* That in all Orders they sent out to Great Britain, for Goods or Merchandise, of any Nature, Kind, or Quality whatsoever, usually imported from Great Britain, they would direct their Correspondents not to ship them, unless the STAMP ACT was repealed. It was nevertheless agreed, that all such Merchants as were owners of, and had vessels already gone, and cleared-out for Great Britain, should be at liberty to bring back in them, on their own Accounts, Crates and Casks of Earthenware, Grindstones, Pipes, and such other bulky articles as Owners usually filled up their Vessels with. *Secondly.* It was further, unanimously, agreed that all Orders already sent Home, should be countermanded by the very first Conveyance; and the Goods and Merchandise thereby ordered not to be sent, unless upon the Condition mentioned in the foregoing Resolution: *Thirdly.* It was further, unanimously, agreed that no Merchant would vend any Goods or Merchandise sent upon Commission from Great Britain, that should be shipped from thence after the first Day of January next ensuing, unless upon the Condition in the first Resolution; and, *Fourthly.* It was further unanimously agreed, that the foregoing Resolutions should be binding until the same were abrogated at a general Meeting thereafter to be held for that purpose." These Resolutions were immediately signed by "upwards of Two hundred principal



Merchants"; and an inter-colonial COMMITTEE OF CORRESPONDENCE of five Sons of Liberty—Isaac Sears, John Lamb, Gershom Mott, William Wiley, and Thomas Robinson—was appointed to secure the co-operation of the merchants, in other parts of the country, in this novel crusade against the Home Government.<sup>1</sup> I may be permitted, in passing, to invite the attention of the Society to the date when, and the place where, THIS SECOND COMMITTEE OF CORRESPONDENCE was appointed; and to remind it that the pretensions of Massachusetts and Virginia to the honor of originating these well-known bodies, are based on appointments made many years afterwards—the one in 1770, the other in 1773. Leaving this subject in the hands of the historians of New York, who are now before me, I trust this city will receive at their hands, hereafter, what she has never yet received—the honor which properly belongs to the originators and sustainers of the great system of intercolonial correspondence, through the medium of regularly constituted Committees.

But to return. The Merchants of New York having entered into an agreement of Non-Importation, as just stated, the Retailers, also, entered the field, and subscribed the following pledge: "We the underwritten, *Retailers of Goods*, do hereby promise and oblige ourselves not to buy any Goods, Wares, or Merchandise, of any Person or Persons whatsoever, that shall be shipped from Great Britain, after the first day of January next, unless the STAMP ACT shall be repealed. As Witness our Hands, " October 31, 1765."<sup>2</sup>

<sup>1</sup> HOLT's New York Gazette or Weekly Postboy, No. 1192, Thursday, Nov. 7, 1765; Boston Postboy and Advertiser, Nov. 11, 1765; EDES & GILL's Boston Gazette and Country Journal, Nov. 11, 1765; LEAKE's Life and Times of Gen. John Lamb, pp. 14, 15; DUNLAP's History of New York, I., p. 419; BANCROFT's History of the United States, V., pp. 351-2.

<sup>2</sup> Ibid.



Thus was all trade with the mother country provisionally cut off; thus, in the words of one of our number,<sup>1</sup> "a city, built on the ocean side, the chosen home of navigation, renounced all commerce: a people, who, as yet, had no manufactures, gave up every comfort from abroad, rather than continue trade at the peril of freedom."<sup>2</sup> It was the first blow which was struck at the trade and industry of Great Britain; and well might Benjamin Edes appeal to the people of Massachusetts, through the columns of the *Boston Gazette*<sup>3</sup>,

1 Baneroff's United States, V., p. 352.

2 It may interest the reader, and serve a useful purpose, by inquiring in this place, how this "*Non Importation Agreement*" was observed by the respective Colonies, in order that by comparison, it may be seen how New York has fared in the hands of those historians whose works have tended to throw all the honor of the Revolutionary struggle on other, and less faithful, Colonies. For this purpose the following table has been extracted from official sources, and the attention of the reader is invited thereto.

IMPORTS into the Colonies from England during the years 1764, 1765 and 1766, with the relative decrease, per centum, during that period.

COLONIES.	1764.	1765.	1766.		Dec. from	
			F'm England.	F'm Scotland.	1764	1765
New-England....	£459,765 0 11	£451,299 14 7	£409,642 7 6	£9,773 6 1	8.75	7.06
New-York.....	515,416 12 1	332,349 11 11	330,829 15 8	2,028 11 5	35.40	12.92
Pennsylvania....	435,191 14 0	363,268 17 5	327,814 5 3	6,854 7 4	23.21	8.03
Mary'd & Virg'a	515,192 10 6	333,224 18 0	372,548 16 1	147,180 11 10	Inc.	Inc.
N. C'a. & S. C'a.	365,303 1 6	434,709 12 3	296,732 1 4	11,770 15 0	Inc.	7.03
Georgia.....	12,338 2 11	29,165 16 9	67,263 5 5	.....	Inc.	Inc.

From this it will be seen that, while the intercourse with England was interrupted, some traded, indirectly, with her through *Scotland*, and some even through *Ireland*. The returns of the latter I have not found: those of England and Scotland convey important information, however, of which New York has no reason to be ashamed, even in the silence, concerning her merits, with which the historians of the Revolution have passed her.

3 "To THE PRINTER. The patriotic Conduct of the Gentlemen in Trade at New York, from the beginning of our Troubles, more especially in the late Agreement to Countermand any Orders for Spring Goods from Britain, and not to forward others, but conditioned, that the Stamp Act is repealed, cannot be too much admired. May the Merchants and Traders of the Massachusetts Bay proceed in the Prosecution of so judicious a plan, and thus evince to the World that they are as disinterested and wise as their Neighbors—A beginning being made, the Spirit will Ketch from Town to Town and Province to Province, than which nothing can contribute more to a speedy Redress of our Grievances." *Communication in EDES & GILL's "Boston Gazette," Nov. 25, 1765,*



nearly four weeks afterwards, to incite them to second the effort.

The Merchants of the city of Philadelphia, prompted by the example of those in New York, adopted the Agreement on the 14th November;<sup>1</sup> and those of Boston, urged forward by the Liberty Boys in that town, reluctantly fell into the measure, on the 9th of December.<sup>2</sup>

On the same evening, (*Oct. 31, 1765.*) while the Merchants "trading to Great Britain" were thus "pointing to Independence," at the City Arms Tavern, the people—tradesmen, mechanics, seamen, and working-men—assembled in mass on that true "cradle of American liberty," *the Common*—now the well known *Park*—for the purpose of expressing their sympathy with the common cause. It was, evidently, a spontaneous outpouring of the masses of the people; but as their great leaders were mostly attending the meeting of Merchants at Burns', they contented themselves, notwithstanding the opposition of the Magistrates, with marching in procession down the Broadway to the gates of the Fort—near which the City Arms Tavern stood—and thence, through other principal streets of the city, to their place of meeting, when they quietly separated and returned to their respective homes. Notwithstanding the demonstration was, undoubtedly, intended to give countenance to the movements of the Merchants, by passing in front of their place of meeting, while it was in session, the government was thrown into considerable consternation, and expected an attack on

<sup>1</sup> Holt's "New York Gazette or Weekly Postboy," No. 1194, Nov. 21, 1765.

<sup>2</sup> Holt's "New York Gazette or Weekly Postboy," (Extra,) No. 1195, Dec. 27, 1765.



the Fort—an idea which, probably, never entered the mind of any who were outside its walls.<sup>1</sup>

The next day was the never-to-be-forgotten first of November: and, in New York—which had become “the most refractory city on the continent,”<sup>2</sup>—“the whole city rose up as one man in opposition to the Stamp Act.”<sup>3</sup> The obnoxious papers had been landed some days before, and lodged for safety in the Governor’s house, within the Fort;<sup>4</sup> manuscript Placards had been posted on the doors of every public office in the city, and at the corners of the streets;<sup>5</sup> incendiary essays filled every newspaper which was printed there;<sup>6</sup> and threats of violence, previously circulated, had been confirmed by the preparations for the occasion, which were every where apparent.<sup>7</sup> The seamen abandoned the shipping, for the day, to join hands with the people on shore, notwithstanding the Non-Importation league, into which the latter had entered, would destroy the commerce through which the former earned their support.<sup>8</sup> The people from the country, “flocked in by thousands,” also, like the children of Israel toward the temple of Jerusalem, to lay, on the altar of the nation, their offerings to the Lord.<sup>9</sup> As the day ad-

1 “That evening a large Company suddenly assembled and marched to the Walls of Fort George: and from thence thro’ several Streets in the City. The Magistrates appeared, and endeavoured to disperse them, but in vain. After a short Time they suddenly dispersed of themselves, without doing any mischief.” Holt’s *N. Y. Gazette*, No. 1192, Nov. 7, 1765.

2 Ibid.

3 Ibid.

4 Ibid.

5 Ibid.

6 Ibid.

7 Ibid.

8 Holt’s *N. Y. Gazette or Postboy*, No. 1192, Nov. 7, 1765.

9 Gen. Gage, cited by Mr. Bancroft, (*History of the United States*, V., p. 355; Holt’s *N. Y. Gazette*, No. 1192, Nov. 7, 1765).



vanced the authorities began to entertain fears of their own safety ; and Lieut. Gov. Colden solicited, from Captain Kennedy, a file of Marines from the *Coventry*, to strengthen the Garrison,<sup>1</sup> while other extraordinary measures, for the defence of the Fort, were adopted, under the direction of Major James.

"During the Day," in the language of one of the chronicles of the times,<sup>2</sup> "many Letters were sent and found, and Papers stuck up all over the Town, some of them in a good Stile, threatening Destruction to every Person and his Property, who should apply for, deliver out, receive, or use a Stamp, or should delay the Execution of any customary public Business without them." One of these, which was posted in the Merchants' Coffee House, and, "after remaining there good part of the day was deliver'd at the Fort Gate in the Evening by an unknown hand," will show the character of all of them, and I submit a copy of it for the information of the Society :—

"To the Hon<sup>ble</sup> Cadwallader Colden Esqr. Lieutenant-governor of the City of New York:

Sir: The People of the City and Province of New York have been informed that you bound Yourself under an Oath to be the Chief Murderer of their Rights and Privileges, by acting as an Enemy to Your King and Country, to Liberty and Mankind, in the enforce-

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"FORT GEORGE, Nov. 1st, 1765.

"Sir—The Magistrates of this City have Inform'd me that they are apprehensive of a Mob this night. As we have not a sufficient number of the Regular Troops to secure the Fort, & at the same time to suppress any Sedition, I must beg the favour of your sending the Marines on board his Majesty's Ships to reinforce the Troops in the Fort.

I have the honor to be, CADWALLADER COLDEN."

(*Colden MSS. in N. Y. Hist. Society's Library.*)

<sup>2</sup> Holt's N. Y. Gazette or Postboy, No. 1192, Nov. 7, 1765; Lieut. Gov. Colden to See'y Conway, Nov. 9, 1765.



ment of the Stamp Act, which we are unanimously determined shall never take place among us so long as a Man has life to defend his injured Country. Thus wicked Men of old conspired ag<sup>t</sup> Paul an Apostle of J. Christ and bound themselves under a curse that they would neither eat nor drink till they had killed him; but God defeated their bloody purposes, as we trust he'll do Yours, and Saul was delivered. How it fared with his intended assassins history does not certainly inform us; but we can with certainty assure you of your fate, if you do not this Night solemnly make Oath before a Magistrate & publish to the People, that you never will directly nor indirectly by any Act of yours or any person under Your influence, endeavour to introduce or execute the Stamp Act, or any part of it, and that you will to the utmost of Your power prevent its takeing effect here, and endeavour to obtain a Repeal of it in England. So help you God.

We have heard of your Design or Menace, to fire upon the Town in case of disturbance, but assure yourself that if you dare to perpetrate any such murderous Act, you'll bring your grey hairs with sorrow to the grave, You'll die a martir to your own villainy, and be hanged, like Porteis upon a Sign Post, as a memento to all wicked Governors, and that every man that assists you shall surely be put to death. NEW YORK.<sup>1</sup>

The effect of this paper on the Lieutenant-governor's mind, after its delivery at the Gate of the Fort, in the evening, will be noticed hereafter; and I pass to an examination of the events of the evening.

I hold in my hand a relic of that period—a letter from a young mechanic in this city, to a friend in the country,

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<sup>1</sup> Enclosed in Lient. Gov. Colden's despatch to Sec'y Conway, Nov. 9, 1765.



dated "New York, November 2, 1765,"—which has been loaned to me for this purpose, by our friend, Mr. Abraham Tomlinson, from which it appears that the request which Lieutenant-Governor Colden had made to General Gage, on the 2d September,<sup>1</sup> for reinforcements of troops from the neighboring posts, had been complied with, and a detachment from Turtle Bay had been added to the Garrison. The cannon of the Fort had been turned on the town, and loaded with musket-balls —two of the number having been placed near the gates, to protect them from the threatened assault; the cannon which belonged to the Merchants, and which, as at the present day, graced the entrances to their counting-rooms or the decks of their vessels, had been spiked by the Lieut. Governor's orders, to prevent the people from using them against the Fort; guards were planted around the Jail, under the supposition that the freemen of the city would seek the aid of felons to secure the rights of America; and Major James' residence also was protected by a guard of fifteen artillerists.<sup>2</sup>

These imposing preparations, on the part of the Government, however, did not, in any way, intimidate the people; and, at an early hour in the evening, they assembled, in great numbers, on the Common, or, as we would say at the present day, "in the Park." It was a lovely night, although it was very dark; and not a breath of wind disturbed the torches or the candles with which the Common was illuminated. The assemblage, unlike that which had met at the same place, on the preceding evening, was now accom-

<sup>1</sup> Lieut. Gov. Colden to Gen. Gage, Sept. 22, 1765.

<sup>2</sup> Holt's N. Y. Gazette or Weekly Postboy, No. 1192, Nov. 7, 1765; Manuscript Letter from "New York, Nov. 2, 1765."



panied by the popular leaders; and the most active preparations were made, under their directions, to secure for the meeting that attention which the importance of the occasion demanded. In this object, the most complete success attended their efforts; and from that time to the present this meeting—considered . in itself as well as in its results—has never failed to arrest the attention of the student of American history.

\* One of the faithful chronicles of the times,<sup>1</sup> contemporary with the event, thus describes the meeting ; and nothing which I can say will add to the interest it will excite:

"About 7 o'Clock in the Evening two Companies appeared, one of them in the Fields, when a moveable Gallows was erected, on which was suspended the Effigy of a Man who had been honoured by his Country with an elevated Station, but whose public Conduct (supposed to aim at the Introduction of arbitrary Power, and especially in his officiously endeavouring to enforce the Stamp Act, universally held by his Majesty's faithful and loyal Subjects in America, to be unconstitutional and oppressive,) has unhappily drawn upon himself the general Resentment of his Country.<sup>2</sup> The Figure was made much to resemble the Person it was intended to represent. In his Hand was a stamped Paper, which he seem'd to court the People to re-

<sup>1</sup> Holt's N. Y. Gazette or Weekly Postboy, No. 1192, Nov. 7, 1765. For other accounts of this affair, see Lieut. Gov. Colden's despatch to Sec'y Conway, Nov. 5, 1765; the same to the Lords of Trade, Dec. 6, 1765; Edes & Gill's Boston Gazette, Nov. 11, 1765; The Boston Postboy and Advertiser, Nov. 11, 1765; Dunlap's History of New York, I., p. 419; Bancroft's History of the United States, V., pp. 355-6; Graham's History of America, (London Edit.) IV., pp. 223-4; Ramsay's American Revolution, I., pp. 65-6; Booth's History of New York, pp. 418-420.

<sup>2</sup> "The Governor in his grey hairs." *Lieut. Gov. Colden to Sec'y Conway, Nov. 5, 1765.*



ceive; . . . at his Back hung a Drum;<sup>1</sup> on his Breast a Label, supposed to allude to some former Circumstances of his Life.<sup>2</sup> By his Side hung, with a Boot in his Hand,<sup>3</sup> the grand Deceiver of Mankind, seeming to urge him to Perseverance in the Cause of Slavery.<sup>4</sup> While the Multitude gathered round these Figures, the other Party with another Figure representing the same Person, seated in a Chair, and carried by Men, preceded and attended by a great Number of Lights, paraded through most of the public Streets in the City, increasing as they went, but without doing the least Injury to any House or Person.<sup>5</sup> They proceeded in this Order to the Coach-House at the Fort, from whence they took the Lieutenant-governor's Coach, and fixing the Effigy upon the Top of it they proceeded<sup>6</sup> with great Rapidity towards the Fields.<sup>7</sup>

About the same Time the other Party was preparing to move to the Fort, with the Gallows as it stood erect

1 Referring to the supposition that he had been a drummer in the Pretender's army, in Scotland, many years before.

2 "The Rebel Drummer in the year 1745."

3 In allusion to the Earl of Bute, to whose instigations the Act was said to have owed its enactment.

4 "One represent<sup>g</sup> their old grey-haired Governor, the other the Devil whispering him in the ear." *Lieut. Gov. Colden's Account of the State of the Province of New York.* New York, Dec. 6, 1765.

5 The MS. letter referred to, states that this procession moved "down the Fly, buzzraig at every coruer," until it came opposite to the residence of the late Stamp-master McEvers—the site of which is now occupied by No. 50 Wall-street—when it saluted that gentleman with three cheers; that from thence it proceeded to the Fort. "That the Gevernor might see his Effigy, if he dare show his face": and that it saluted the garrison with sneers and huzzas.

6 This name was frequently applied to "The Common," or what is now known as "*The Park.*"

7 The MS. letter states that the procession, while returning, moved through the principal streets of the city; and that, when near the Coffee-House, "the Merchants were Exceedingly Pleas'd."



on its Flame, and Lanthorns fix'd on various Parts of it. When the two parties met, and every Thing was in order, a general Silence ensued, Proclamation was made that no Stones should be thrown, no Windows broken, and no injury offered to any one, . . . and all this was punctually observed. The whole Multitude then returned to the Fort,<sup>1</sup> and though they Knew the Guns were charged, and saw the Ramparts lined with Soldiers, they intrepidly marched with the Gallows, Coach, &c. up to the very Gate, *where they knocked and demanded Admitt'nce,*<sup>2</sup> and if they had not been restrained by some humane Persons, who had Influence over them, would doubtless have taken the Fort, as I hear there were 4 or 500 Seamen, and many others equally intrepid, and acquainted with military Affairs. But as it seems no such Extremities were intended, after they had shown many Insults to the Effigy, they retired from the Fort Gate to the Bowling Green, the Pallisades of which they instantly tore away, marched with the Gallows, &c. into the Middle of the Green, (still under the Muzzles of the Fort Guns,) where with the Pallisades and Planks of the Fort Fence, and a Chaise and two Sleys, taken from the Governor's Coach House, they soon reared a large Pile, to which setting Fire, it soon kindled to a great Flame, and reduced the Coach, Gallows, Man, Devil, and all to Ashes.<sup>3</sup>

It is probable the Conductors of this Expedition intended the whole Affair should have ended here; but while many of them were attending the Fire, a large

<sup>1</sup> Six hundred candles are said to have been used to light the procession.

<sup>2</sup> The MS. letter says the crowd shouted defiance to the Governor and to the troops in the garrison, bidding them "Tell the Rebel Drummer or Major James to give orders to fire."

<sup>3</sup> The Lieutenant-governor's loss, amounting to £195 3s. 0d., was never restored by the Government.



Detachment of Volunteers making their Passage thro' the other Side of the Palisades, went on another Expedition,<sup>1</sup> and repailed to the House (lately known by the Name of Vaux-Hall,<sup>2</sup>) and now in the Occupation of Major James, of the Royal Regiment of Artillery. . . . This Gentleman was one of those who had unfortunately incurred the Resentment of the Public by Expressions imputed to him.<sup>3</sup> It is said he had taken a Lease of the House for three years, and had obliged himself to return it in the like good Order as he received it; it had been lately fitted up in an elegant Manner, and had adjoining a large handsome Garden stored with Necessaries and Curiosities, and had in it several Summer Houses; The House was genteely furnished with good Furniture; contained a valuable Library of choice Books, Papers, Accounts, Mathematical Instruments, Draughts, rich Clothes, Linen, &c. and a considerable Quantity of Wine and other Liquors. . . . The Multitude bursting open the Doors.<sup>4</sup> proceeded to destroy every individual Article the House contain'd, . . . the Beds they cut open and threw Feathers abroad, broke all the Glasses: China, Tables, Chairs, Desks, Trunks, Chests, and making a large Fire at a little Distance, threw in every Thing that would burn—Drank or destroy'd all the Liquor . . . and left not the least Article in the House which they did not entirely

1 The MS. letter says that before they left the Bowling Green they called to the garrison, telling it they were going to Major James' house, "to knock it down, & if he was a man he should go and defend it."

2 It was sometimes called *Rarleigh*, and stood near the bank of the river, surrounded by tastefully arrayed grounds, on the block formed by Warren, Chambers and Greenwich streets, and West Broadway.

3 Vide page —.

4 The MS. letter says that a detachment of artillery guarded the property; but the soldiers were driven through the back door, by the mob, and escaped without injury.



destroy--after which they also beat to Pieces all the Doors, Sashes, Window Frames and Partitions in the House, leaving it a mere Shell; also destroyed the Summer Houses, and tore up and spoiled the Garden. All this Destruction was completed by about 2 o'clock<sup>1</sup>. The imagined Cause of Resentment, operated so powerfully, that every Act of Devastation on the Goods of this unhappy Gentleman was consider'd as a Sacrifice to Liberty. Many Military Trophies, even the Colours of the Royal Regiment, were taken out and carried off triumphantly.

The Spirit of the People, not only of this City and Colony, but of the Neighbouring Colonies, knowing how much depended upon our Behaviour, was highly raised; and great Numbers came from the Country, and Parts adjacent, to attend the important Crisis: Some returned Home satisfied with our Firmness, and determin'd to maintain their Freedom in their respective Places of Residence, and assist us, if their Assistance should be necessary. But many who came from distant Parts, chose to stay till our Affairs were settled into something of Calmness and Security—We had Notice from all the Country round, that upon the least Requisition, they would come by Thousands to our Assistance; every one was anxious to be secured against the Imposition of the Stamp-Duties."

There is nothing in these riotous proceedings which is calculated to arrest either our admiration or our sympathy; yet it cannot be denied that they clearly indicate the determination of the people, in their opposition to the government; and their willingness to resort,

<sup>1</sup> As a partial compensation for this loss, Major James received four hundred guineas in England; and, in December, 1766, the Assembly of New York voted him a gratuity of £1745, 15s. 2*d.*, as a further compensation.



if need be, to the most violent measures, in defence of their political rights, and in resenting any insult which might be offered to their persons or characters.

It was this evidence of the popular will which added weight to the “letters and Messages” which, on the day following the riot, were sent in to the Lieutenant-governor, “threatning his Life, if he did not deliver up stamped papers”;<sup>1</sup> and when, on that day, (*November 2, 1765,*) “the People grew furious, and the Magistrates were alarm’d”;<sup>2</sup> when these same Magistrates, afterwards, “waited on the Governor, as did many other principal Gentlemen,” to remonstrate and urge the Government to suspend the execution of the Act<sup>3</sup>; and, especially, in the evening, when the masses of the people began, a second time, to assemble in “the Fields,” with the avowed intention of attacking the Fort, and seizing the obnoxious papers,<sup>4</sup> the zealous Chief Magistrate was constrained to submit; and, for that purpose, with the unanimous advice of the Council,<sup>5</sup> “he delivered and publish’d in writing by the Secretary, that he would not distribute nor meddle with the Stamps, but reserve them till the arrival of Sir Henry Moore, and deliver them to him. This did not satisfy the People—They fear’d some Deception, and were hardly restrained by the Magistrates”<sup>6</sup>; yet they appear to have dispersed without resorting to any serious measures.

<sup>1</sup> Lieut. Gov. Colden to the Lords of Trade, 6th Dec., 1765.

<sup>2</sup> Holt’s N. Y. Gazette and Weekly Postboy, No. 1192, Nov. 7, 1765.

<sup>3</sup> Ibid.

<sup>4</sup> MS. letter from “*N. York, November 2, 1765.*”

<sup>5</sup> Lieut. Gov. Colden to Lords of Trade, Dec. 6, 1765; The same to See’y Conway, Feb. 21, and March 28, 1766.

<sup>6</sup> Holt’s N. Y. Gazette, No. 1192, Nov. 7, 1765. See also Bancroft’s History of the United States, V., pp. 356–7; Eddis’ & Gill’s Boston Gazette, Nov. 11, 1765; Boston Post Boy & Advertiser, Nov. 11, 1765.



The next day was the Lord's Day, and, although no public movements were made, it is probable that it served to increase the intensity of the suspicions that the Colonial Government would still attempt to enforce the circulation of the Stamps. Being unemployed in their several daily occupations, the popular leaders and the populace were enabled to compare their opinions, and, thereby, to strengthen their jealousy; and so apparent was the discontent which pervaded the city, and so thoroughly impressed was the Lieutenant-governor with the necessity for prompt and efficient action, that early the next day (*Monday, November 4*) he invited the attendance, at the Fort, of the Mayor of the city, and of some of the most respectable citizens, when he renewed his promise that "he would not issue, nor suffer to be issued, any of the Stamps in Fort George." After embodying this declaration in a certificate, over the attesting signatures of Robert R. Livingston, Beverly Robinson, John Stevens, and the Mayor, (John Cruger,) it was published, under the original declaration which had been published on Saturday evening, in hand-bills, and circulated throughout the city.<sup>1</sup>

But, in the language of the chronicles of the times, "still the Populace were dissatisfied, and *declared* the Stamps should either be delivered out of the Fort, or they would take them away by Force, which would

<sup>1</sup> From one of these placards, in the Library of the N. Y. Hist. Society, I have made the following copy, in order to show the progress of these concessions, and to correct some errors into which more recent writers have fallen:—

"THE LIEUTENANT GOVERNOR declares he will do nothing in Relation to the STAMPS, but leave it to Sir HENRY MOORE, to do as he pleases, on his Arrival. Council Chamber, New York, Nov. 2, 1765.

By Order of his Honour,

G. W. BAXTER, D. Cl. Con.

The Governor acquainted Judge Livingston, the Mayor, Mr. Beverly Robinson, and Mr. John Stevens, this Morning, being Monday the 4th of



have been attended probably with much Bloodshed" <sup>1</sup>.

It appears that a proposition was made at this time, by the popular leaders, that the Stamps should be removed to the *Coventry* sloop of war, in order that they might not suddenly be pushed into circulation; <sup>2</sup> and that the Council unanimously united in the request <sup>3</sup>. The Lieutenant-governor, however, *did not concur*, notwithstanding he wrote to the Captain; <sup>4</sup> but the latter, while he did not absolutely refuse to receive them <sup>5</sup>, gave reasons why he thought it unnecessary, and the proposition fell to the ground.

While these proceedings occupied the attention of the authorities and the merchants, neither the dissatisfaction of the people or their determination to employ

November, that he would not issue, nor suffer to be issued, any of the STAMPS now in Fort George.

*Robert R. Livingston,  
John Cruger,  
Beverly Robinson,  
John Stevens.*

The Freemen, Freeholders, and Inhabitants of this City, being satisfied that the STAMPS are not to be issued, are determined to keep the Peace of the City, at all Events, except they should have other Cause of Complaint."

1 Holt's N. Y. Gazette and Weekly Postboy, No. 1192, Nov. 7, 1765.

2 Lieut. Gov. Colden to Lords of Trade, Dec. 6, 1765.

3 Lieut. Gov. Colden to Sec'y Conway, March 28, 1766.

4 "This I did not oppose." (*Lieut. Gov. Colden to Lords of Trade, Dec. 6, 1765.*) "I did not at any time join in desiring him to take them." (*Lieut. Gov. Colden to Sec'y Conway, March 28, 1766.*)

5 "Capt. Kennedy in his answer *did not absolutely refuse to take the Stamps on board*, but gave reasons," &c. (*Lieut. Gov. Colden to Sec'y Conway, March 28, 1766.*) It is proper to remark, however, that Gov. Colden, in his despatch to the Lords of Trade, Dec. 6, 1765, had said, "Capt<sup>n</sup> Kennedy *absolutely refused to receive them*, and with good reasons," &c.; while no reason is shown for this instance of the inconsistency of the venerable Lieutenant-governor—by no means an isolated case—beyond his wonted desire to throw upon others the blame which properly belonged to himself.



forcible means to obtain the Stamped Paper, were, in the least, concealed; and, with the utmost coolness, on Sunday and Monday, placards were posted around the city, inviting a meeting, in the Fields, on *Tuesday* evening, (Nov. 5, 1765,) and requesting the citizens to appear, *armed*, for the purpose of storming the Fort.<sup>1</sup>

This public defiance of the power of the Government, by the popular leaders—for all these movements were guided by the Committee of the Sons of Liberty, who had been appointed at the City Arm's Tavern<sup>2</sup>—and the certainty that, at the appointed time, the relative strength of the garrison and the people would be tested,<sup>3</sup> at length compelled the obstinate Chief Magistrate to listen to the appeals of the Merchants, who waited on him,<sup>4</sup> or to the advice of his Council,<sup>5</sup>

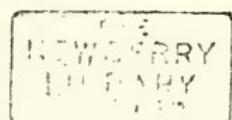
1 "They appointed Tuesday Evening for that Purpose, posting up, on Sunday and Monday, Advertisements in different Parts of the City, inviting all Friends of Liberty to join them, as they were determined to storm the Fort." (*Boston Post Boy and Advertiser*, Nov. 11, 1765.) See also Edes & Gill's *Boston Gazette*, Nov. 11, 1765; Grahame's *United States*, (*London Ed.*.) IV., p. 224; *Reminiscenses of the Park and its Vicinity*, (*New York*, 1855,) pp. 11, 12; *Lieut. Gov. Colden to the Marquis of Granby*, Nov. 5, 1765; The same to Gen. Gage, Nov. 5, 1765; The same to Sec'y Conway, Nov. 5 and 9, 1765; The same to the Lords of Trade, Dec. 6, 1765.

2 Leake's *Life of Lamb*, p. 16.

3 "I expect the Fort will be Storm'd this Night—every thing is done in my power to give them a warm reception. I hope not to dishonor the Commission I have the honor to bear & that I may merit some share of your Lordship's Regard." (*Lieut. Gov. Colden to Marquis of Granby*, Nov. 5, 1765. *Colden papers*.)

4 "On Tuesday the 5th Instant I received a Deputation from the Merchants in this City, by a considerable number of them. (*Lieut. Gov. Colden to Sec'y Conway*, "New York, 9th Nov., 1765.")

5 "At length I consented to deliver up the stamped papers to the Mayor and Corporation of the City, as appears by the *Minutes of the Council*." (*Lieut. Gov. Colden to Lords of Trade*, Dec. 6, 1765) See also next note.





and of General Gage,<sup>1</sup> and he accepted a proposal which he had received from the Corporation of the city of New York,<sup>2</sup> for the delivery, into the custody of

1 —“in Consequence of the unanimous Advice of his Majesty’s Council: and the concurrence of the Commander in Chief of the King’s Forces,” \* \* \* \* “I now deliver to you,” &c. (*Lieut. Gov. Colden to the Corporation of New York, Nov. 5, 1765.*) Vide Note 2. “I would not be satisfied on so extraordinary an occasion with adopting the advice and opinion of Gen. Gage, which concurring with that of the Council, I could not stand single, and last Evening I deliver’d the Packages,” &c. (*Lieut. Gov. Colden to Major Thos. James, Fort George, Nov. 6, 1765. Colden Papers, N. Y. Hist. Society’s Library.*)

2 The following extracts from the Minutes of the Common Council of the City of New York, furnished by my esteemed friend, D. T. Valentine, Esq., the Clerk of that body, will show exactly what this proposal was; how it was received by Lieutenant-governor Colden; and what was done, subsequently, in the premises:

CITY OF NEW-YORK—ss:

At a Common Conneil held at the City hall of said City on Tuesday the Fifth day of November anno: Dom: 1765,—

Present John Cruger Esqr Mayor.

Simon Johnson Esqr Recorder

Francis Filkin

Nieholas Roosevelt

George Brewerton

Cornelius Roosevelt

Derick Brinckerhoof

Abraham Lott

Peter Binaeck

Michael Thodey

Anthony Rutgers

Andrew Gotier

} Esqrs Aldermen

} Assistants

This Bond taking into serions Consideration the Intimation that his honour the Lieutenant Governor was willing to Deliver the stamped paper now in Fort George to Captain Kennedy or any other of the Commanders of the King’s Ships in the harbour and that Captain Kennedy in answer to this Earnest Request Signified to him Last night. Informs that he Cannot and will not Receive the Stamped paper. It is Therefore Resolved that it appears to this Board Absolutely Requisite to Remove the present Dissatisfaction and save the City from the most Distressing Confusion; That a Committee Immediately wait upon his honour and in the most Respectfull manner acquaint him of the present dangerous State of Things and Request that for the peace of the City and the preventing of an Effusion of Blood, he would please to Direct that the Stamped Paper, Be de-



that body, of the Stamps which were still within the Fort. Accordingly, notwithstanding "the delivering the Stamp'd Papers on the threats of a Mob, who might

livered into the Care of the Corporation, to be deposited in the City hall and Guarded by the City watch; and this Board Do Further Resolve and Engage to make Good all such sums of money as might Be raised By the distribution of such of the said Stamps as Shall Be Lost destroyed or Carried out of the province, and the said Committee having waited on his said honour with the above Resolve—Reported that his honour Accepted of the same and Returned for answer in the following words,

FORT GEORGE November the 5th 1765

Mr Mayor & Gentlemen of the Corporation,

In Consequence of Your Earnest Request and Engaging to make Good all such sum and sums of money as might Be Raised By the distribution of such of the Stamps Sent over for the use of this province as shall Be Lost Destroyed or Carried out of the province and in Consequence of the unanimous advice of his Majesty's Counceil & the Concurrence of the Commander in Chief of the King's Forces and to Prevent the Efusion of Blood and the Calamities of a Civil War, which might Ensue By my with-holding them from You I Now Deliver to You the Packages of Stamped Paper and Parchment that were deposited in my hands in this his Majesty's Fort and I Doubt not You will Take the Charge and Care of Them Conformable to your Engagement to me

I am, with Great Regard

Gentlemen your most Obedient huml Servt

CADWALLADER COLDEN

At Which Time his honour Requested that the mayor would give him a Receipt in the Words Following (Which The mayor Executed accordingly in Behalf of this Corporation) Viz:

Received of the Honorable Cadwallader Colden Esqr, his Majesty's Lieutenant Governor and Commander in Chief of the province of New-York Seven Packages Containing Stamped paper and parchment, all marked No. 1 I: M: E Newyork Which I Promise in Behalf of the Corporation of the City of Newyork to take Charge and Care of, and to be accountable in Case they Shall Be destroy'd or Carry'd out of the province as Particularly set Forth in the Minutes of the Common Council, of the said Corporation of this day

Witness my hand in the City of Newyork this first day of November One Thousand seven hundred and sixty-five

Witness  
L. F Cary Major to the 60th

James Farquhar.

JOHN CRUGER mayor.

Dee. 6th, 1859.

I hereby certify the preceding to be true extracts from the original minutes on file in my office.

D. T. VALENTINE, Clk. C. C.



still make farther Demands, greatly affected the dignity of his Majesty's Government; and might have a tendency to encourage perpetual mobish proceedings hereafter;"<sup>1</sup> and filled the anxious mind of the venerable Lieutenant-governor with the greatest alarm,<sup>2</sup> "the Governor inform'd the Mayor and Aldermen, that if they would attend at the Fort Gate the Paper should be delivered them; they accordingly, soon after, accompanied with a Prodigious Concource of People of all Ranks, attended at the Gate of the Fort, when the Governor ordered the Paper to be given up to them:<sup>3</sup> and upon the Reception of it, gave three Cheers, carried it to the City Hall and dispersed,<sup>4</sup> after which tranquility was restored to the City."<sup>5</sup>

1 Lieut. Gov. Colden to Gen. Gage, "*Fort George, Nov. 5, 1765.*"

2 "I introduced this matter (*the delivery of the Stamps to the Corporation,*) to the Council, by observing to them that if the power of the Corporation *alone* was sufficient to preserve the Stamps, it must be much more effectual when added to the strength of this Garrison. That yielding to the Demands of the populace would draw the Government into still greater Contempt, & encourage them in repeated Demands." (*Lieut. Gov. Colden to Major James, Fort George, Nov. 6, 1765. Colden Papers.*)

3 Vide Note 2, Page 102. See also the several authorities referred to in Note 5, Page 101.

4 Lieut. Gov. Colden (*Letter to Sec'y Conway, 9th Nov., 1765.*) gravely intimates, in the following words, who were the originators of these proceedings; and he furnishes a very important guide to the historical student, in his inquiry concerning the leaders of the American Revolution and the motives which actuated them. "It evidently appears now," he says, "who were the Conductors of the Mob by its immediately ceasing in every appearance as soon as the Packages were delivered to the Mayor and Corporation." I leave the subject, for the present, for the consideration of my readers.

5 "After which the Mob entirely dispersed, and the City remained in perfect tranquility, till I delivered up the Administration to Sir Henry Moore." (*Lieut. Gov. Colden to Lords of Trade, Dec. 6, 1765.*) See authorities referred to in Note 1, Page 102.



It was during this stormy period that the former leaders of the people were, to some extent, superseded by other, but not less active or determined men. While John Morin Scott, and William Smith, Jr., and William Livingston, continued to be recognized as the great moving spirits of the people, in their *theoretical* opposition to the Government and its policy, the younger "Sons of Liberty"—Alexander McDougal, Isaac Sears, John Lamb, Marinus Willett, Gershom Mott, and their associates—led in the *practical* opposition to the Ministry and its measures, and "dared to lead where any dared to follow." The latter may be said to have led in the field, while the former led in council; and both, united, like "the sword of Jehovah and of Gideon," were effectual whenever they were directed against the Midianites who oppressed the people.

It may not be improper to inquire, in this place, to what extent the people of New York had opposed the measures of the Government; and let it not be supposed, Mr. President, that from the beginning, the entire population had moved and acted as with the mind of one man, throughout all the phases of the opposition. Such was not the case. As I have before remarked, the constant agitation of great political questions, for nearly a century, had familiarized the subject to every New Yorker; and from his birth he had lived and associated, constantly, with a race of hereditary politicians. At the same time the freedom of the press, which the trial and acquittal of Zenger had secured, had not only carried intelligence to every man's door, and informed him of the current events of the day; but the arguments of all parties, *pro* and *con.*, on every question of public interest, had been canvassed in the columns of the newspaper press, in broadsides, and in pamphlets, with the most elaborate minuteness and the



greatest ability. Every New Yorker, therefore, was, necessarily, a *theoretical* politician, and thoroughly acquainted with the fundamental principles of government, and their applicability to the measures of the Ministry, as well as to those of the Provincial authorities; while, *practically*, in fact as well as under the common law of England,<sup>1</sup> he was *one of a conquered people*, whose every privilege was a monument of the King's grace, even when it had been wrung from the government by a course of the most determined opposition. Well informed on all questions concerning the affairs of the Province and the Nation, but few of the inhabitants of New York had any share in the management of the former, and none in that of the latter: maintaining a vigilant watchfulness over the Provincial authorities as well as over those in the "Mother Country," none could legitimately exercise the least control over either: subjects of the King, and legally and practically liable to all the *duties* of Englishmen, all were denied the *rights* and *privileges* which Englishmen everywhere else enjoyed: without possessing the privilege of regulating even the local affairs of their own immediate neighborhood, by means of that stronghold of New England's independence, a legal "town meeting," all were, nevertheless, subject to a rigorous code, in the most minute details of which the aggrandizement of the government, rather than the convenience or advantage of the people, was the prevailing spirit. Peculiarly cosmopolitan in character; eminently a people devoted to business; no other colony witnessed so little concert of action, on all ordinary occasions, among the masses of the people; in none was the accountability of the *individual* less frequently shifted to the

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1 In the case of Calvin, already referred to, this subject has been fully set forth.



*body politic*; and, in none, therefore, were the "agreements" considered so obligatory on the individual, or fulfilled with such stern integrity, as in New York.

Chafing under these political disabilities, and contrasting their own with the more extended privileges enjoyed by the neighboring Colonists, on either hand, the people of New York were ever ready to sympathize and join hands, as far as they could do so, with any person or party who professed, for the time being, to contend for the true principles of government; and, not unfrequently, as is often the case in our own times, they were used only for the accomplishment of selfish purposes or individual aggrandizement.

When a series of threadbare and needy Court favorites had been vested with the powers of government, in the Colony, and had sought to control the revenues and the appropriations, in order that their families might be enriched at the expense of the Colonies, *the great landed interests* took the alarm, and resisted the aggression. In this movement, which did not directly concern the great body of the people, not only the Freeholders, and the Freemen, but the masses of the people, were appealed to by the Van Rensselaers and the Livingstons, the Van Cortlandts and the Phillipses; and the provisions of Magna Charta, and the great fundamental principles of government, were brought forward and enforced, as evidences of the rights of the people, as Englishmen and as members of the body politic,—the Manorial Landholders, by these means, finally, triumphing over the assumptions of the government, and, as quickly, forgetting the rights of the great body of the people.

When a learned and venerable Lieutenant-governor, by his zealous defence of the abstract rights



of the King, endeavored to secure the favor and the patronage of the Ministry; and, to this end, attempted to control the Judiciary of the Province, by entertaining Appeals from its Judgments, and by changing the tenure of its authority, THE BENCH AND THE BAR, following the example of the *Landholders*, appealed to the *people* for countenance and support, in resisting this aggression of the government against *their* privileges and prerogatives. Again, the relative rights of the government and the governed were discussed with all the pedantic learning of the times; and from the pens of the Smiths and the Scotts, the Livingstons and the Horsmandens, of the day, the Colony was flooded with appeals and with arguments, enforcing the independence of the Judiciary, and depreciating the attempt which had been made to subject it to the control of the government.

When the Home Government, struggling under the weight of its burdens, in its anxiety for relief, sought to check the illicit trade on which the Hancocks and the Jaunceys had been accumulating wealth and influence, or to establish a Stamp Act which, in its operations, would chiefly affect the Mercantile community, the MERCHANTS, also, according to custom, turned to the masses of the people, and, like the Landholders, and the Lawyers who had preceded them, solicited their co-operation and assistance in resisting the innovation.

In this delicate undertaking, however, with singular and fatal forgetfulness, the Merchants, and many of those who sympathized with them, never considered either the intelligence of the Colonists or their status in the government of the Colony. Arousing the sympathy of the people, in every conceivable manner, and urging them to action



under the banner of “*No taxation without representation,*” they forgot that not one-third of the people were freeholders or possessed the right of suffrage, even for representatives in the General Assembly; that “Taxation without Representation,” therefore, was an abuse which required correction beyond the limit desired by the few “merchants who traded with Great Britain,” and the occasion which the Stamp Act had produced; and that an element such as this, while it operated for the correction of the abuse of which the merchants complained, *might*, without the consent of the latter, extend the sphere of its operations, and break down the constitutional landmarks which, from time immemorial, had separated the few from the many by whom they had been surrounded. Under these circumstances, what wonder need there be, that the manorial tenantry “flocked in, by thousands, from the country,”<sup>1</sup> or that the seamen, from the shipping in the harbor, and the mechanics from the workshops in the city, arose, “as one man,”<sup>2</sup> and declared that Stamped Paper should not pollute the soil of the Colony—that there should be “*No taxation without representation.*” And, since *their own mercantile profits*, rather than a desire to meliorate *the masses* of the people, had influenced their action, well might the De Lanceys and the Waltons, the Wattses and the Alsops, hesitate to approve the appointment of “a Committee of Correspondence”—the object of which was to consolidate the divided masses of the

<sup>1</sup> Gen. Gage, cited by Mr. Bancroft, (*Hist. United States*, First Ed., V., p. 355.)

<sup>2</sup> Ibid.



people, and to secure harmonious action among them<sup>1</sup>—and well might they wait upon the Lieutenant-governor, “imploring his compassion,” when an armed populace threatened to storm the Fort,<sup>2</sup> since *they* no longer possessed the means of controlling the power which they had called into existence, or of limiting the application, *to themselves*, of those principles which *for their own purposes only*, they had inscribed on the banners of the people.

From that time forth, Mr. President, “*The Sons of Liberty in New York*” had a twofold enemy to oppose—the Government and its officers, on the one hand; and, on the other, that portion of *the people of New York*, whose timidity, or personal interests, or supposed duty to the Crown, induced them to act as Conservatives; and, indirectly, to render the most important services to the enemies of their country.

The first of these—the Government and its officers—was at all times and under all circumstances, legitimately, unequivocally, and entirely, an enemy to the political amelioration of the people; and from it “*The Sons of Liberty*” neither received, nor expected to receive, the least sympathy or respect.

The second, on the contrary, professed to sympathize, to some extent, with the people; and, many of those composing it thrust themselves in, wherever an opportunity offered, to *divide the popular sentiment*, and, while divided, *to conquer it*. Professing to be enemies of the Government, they were, in fact, among

<sup>1</sup> “A committee of intercolonial correspondence was raised, and while James De Lancey and others hesitated, the unflinching Isaac Sears, with Lamb, Mott, Wiley, and Robinson, assumed the post of danger. (Bancroft’s *History of United States*, First Ed., V., p. 352.)

<sup>2</sup> Lieut. Gov. Colden to Sec’y Conway, 9 November, 1765.



its warmest and best friends; and, by their political duplicity, not unfrequently, they were successful in making inroads upon the ranks and the sentiments of the people, while the more honest and manly of their party would have been driven back in contumely and disgrace. It was thus, clandestinely, that James Jauncey, Whitehead Hicks, James De Lancey, and their associates, overturned the purposes of "*the Committees of Correspondence*" and of *the people*, at the great meeting at the City Arms Tavern, on the twenty-sixth of November, 1765<sup>1</sup>; it was thus, by bad faith, Isaac Low, and Miles Sherbrook, and William Bayard, and their associates in the Committee of Fifty One; and Isaac Low and John Jay, and Abraham Walton, and their associates, in the Committee of One Hundred, at a later date, as will be seen hereafter, divided and distracted the people, and gave comfort and assistance to the Government.

[That portion of the paper which relates to the subsequent movements of "The Sons of Liberty," in watching the vessels which arrived from Europe; in taking possession of the stamps which they brought over; in the organization of the great meeting at Burns' City Arms Tavern on the 26th November, 1765, and in resenting the duplicity of many of those who had acted with them at the former meeting, at the same place; in their demand on the Assembly to deduct from the salary of Lieut. Gov. Colden the expense of drilling out the spikes which had been driven into the cannon by his orders; on their action on the first appearance of a stamped paper in New York; on the repeal of the Stamp Act; on the King's Birth-day, June 4, 1776; on the erection and destruction of the first, second, third, and fourth Liberty-poles in the city of New York; at the meeting in the Fields on the 17th of December, 1769; on the action by the Assembly for

1 The entire proceedings, at this meeting, (as well as the conduct of "*the emissaries of those who, not being consulted, endeavored to prevent it,*") afford an amusing comment on the pretensions of many of the older families of this city and its vicinity; and they furnish a fruitful field for the laborious investigations of the student of our earlier Revolutionary History.



the discovery of the author of the handbill calling the people together on that occasion : on the arrest, by order of the House, of General Lamb, (who addressed the meeting,) of James Parker, (who printed the placard,) and of Alexander McDougal, (its supposed author) ; and on the "Infraction of the Non-importation agreement" by Simon Cameron, in July, 1769 ; and to other, minor, topics incidental thereto,—for want of time were omitted, when the paper was read before the Society. After referring to the ill-feeling which had arisen between the Colonial Government and its auxiliaries, on the one side, and the people on the other, and to the repeated attempts of the soldiery to cut down the Liberty-pole which had graced "*the Common*" for several years, the speaker remarked that :—]

On the 13th, 14th, 15th, and 16th of January, 1770, the soldiers repeated their attempts to destroy the Liberty-pole. The last of these was successful ; and the rancor of the assailants was so far carried out, that they were not satisfied until they had sawed the pole into pieces, and piled it up in front of Montanye's—the head-quarters of the "*Sons of Liberty.*"<sup>1</sup>

It appears that the Sons of Liberty had raised objections to the employment of the soldiers by the inhabitants, as destructive of the interests of the laboring classes ; and there is but little doubt that this was intended as a retaliatory measure. To take all the matters into consideration, a meeting was called ; and on the 17th of January, upward of three thousand assembled at the stump of the Liberty-pole ; at which measures were adopted to erect another pole, to compel the soldiers to remain within their barracks after roll-call, and to prevent the employment of them by the inhabitants.<sup>2</sup> On the following day, (*January 18, 1770,*)

<sup>1</sup> Holt's N. Y. Journal, No. 1411, Jan. 18, 1770; Leake's Life of Lamb, pp. 54, 55; Dunlap's Hist. of New York, I., p. 436; Gordon's Am. Revolution, I., p. 360.

<sup>2</sup> Holt's N. Y. Journal, No. 1412, Jan. 25, 1770; Leake's Life of Lamb, p. 55; Dunlap's Hist. of New York, I., pp. 436-7; Hamilton's Hamilton, I., p. 19; Bancroft's United States, 6, pp. 331-2.



scurrilous handbills signed "SIXTEENTH REGIMENT," were posted throughout the city, casting reflections on the Sons of Liberty, and putting at defiance the authority of the citizens, as well as their wishes, expressed in the resolutions passed on the preceding day. Three soldiers, who were engaged in posting these placards, were seized by Isaac Sears. Walter Quackenbos, and some other members of the Sons of Liberty; and, after a sharp contest, they were conveyed to the Mayor's office. An attempt having been made to rescue the prisoners, Captain Sears kept them at bay, until a reinforcement of twenty men from the lower barracks

1 The following copy of this placard, taken from an original, in the Library of the New York Historical Society, will interest the reader :—

"God and a Soldier, all Men doth adore,  
In Time of War, and not before ;  
When the War is over, and all Things righted,  
God is forgotten, and the Soldier slighted.

WHEREAS, an uncommon and riotous disturbance prevails throughout this city, by some of its inhabitants, who stile themselves the S—s of L——y, but rather may more properly be called real enemies to Society: and whereas the army, now quartered in New York, are represented in a heinous light, to their officers and others, for having propagated a disturbance in this city, by attempting to destroy their Liberty Pole, in the Fields; which being now completed without the assistance of the army, we have reason to laugh at them, and beg the public only to observe, how chagrined these pretended S—s of L——y look as they pass thro' the streets; especially as these great heroes thought their freedom depended in a piece of wood, and who may well be compared to Esau, who sold his birthright for a mess of pottage. And altho' those shining S—s of L——y have boasted of their freedom, surely they have no right to throw an aspersion upon the army, since it is out of the power of military discipline, to deprive them of their freedom: However notwithstanding we are proud to see those elevated genius's reduced to the low degree of having their place of general rendezvous, made (a Gallows Green) a vulgar phrase for a common place of execution, for murderers, robbers, traitors and r—s, [*rascals*] to the latter of which we may compare those famous L——y B—s [*Liberty Boys*] who have nothing to boast of but the flippancy of tongue, altho' in defiance of the laws and good government of our most gracious sovereign, they openly r——y [*riotously*] assemble in multitudes, to stir up the minds of his Majesty's good subjects to sedition:—they have in their late



made their appearance: and, with cutlasses and bayonets, appeared determined to rescue the prisoners. The citizens in the vicinity were entirely unarmed, but perceiving the nature of the conflict and the character of the combatants, they immediately seized upon such means of defence as were within their reach, and wrenching the stakes from the carts and sleighs about them, they stood on the defensive. The Mayor now ordered the soldiers to their barracks, when they reluctantly retreated towards Golden Hill.<sup>1</sup> At this place

seditious libel, signed BRITTS, expressed the most villainous falsehoods against the soldiers: But as ungrateful as they are counted, it is well known since their arrival in New York, they have watched night and day, for the safety and protection of the city and its inhabitants;—who have suffered the rays of the scorching sun, in summer, and the severe colds of freezing snowy nights, in winter, which must be the case, and fifty times worse. had there been a war: which we sincerely pray for, in hopes those S—s of L—— [Sons of Liberty] may feel the effects of it, with famine and destruction pouring on their heads. 'Tis well known by the officers of the 16th regiment, as well as by several others, that the soldiers of the sixteenth always gained the esteem and good will of the inhabitants, in whatever quarters they lay, and was never counted neither insolent or ungrateful, except in this city. And likewise the Royal regiment of Artillery, who always behaved with gratitude and respect to every one. But the means of making your famous city, which you so much boast of, an impoverished one, is your acting in violation to the laws of the British Government; but take heed lest you repent too late,—for if you boast so mightily of your famous exploits, as you have heretofore done, (witness the late stamp act) we may allow you to be all ALEXANDERS, and lie under your feet, to be trodden upon with contempt and disdain: but before we so tamely submit, be assured we will stand in defence of the rights and privileges due to a soldier, and no farther: but we hope, while we have officers of conduct to act for us, they'll do so, as we shall leave it to their discretion, to act impartially for us, in hopes they and every honest heart, will support the soldiers wives and children, and not whores and bastards, as has been so maliciously, falsely, and audaciously inserted in their impudent libel, addressed to the public; for which, may the shame they mean to brand our names with, stick on theirs.

Signed by the 16th Regiment of Foot.

<sup>1</sup> That portion of John-street which is between Cliff-street and Burling slip.



they met another reinforcement of regulars, led by one who is supposed to have been an officer in disguise: and, by his orders, the united parties made a furious attack on the people who had followed them. An attempt at defence was made by those who had secured weapons; but they presented but a sorry opposition to the bayonets and cutlasses of the regulars, and many of them speedily retired. Pursuing those who ran, they were, themselves, soon pursued by those who had reached the ground in response to the summons which had flown into every shop and store in the city; and the Sons of Liberty speedily surrounded the assailants, dealing such blows upon them as their homely weapons permitted, and quietly disarming them, to prevent the spread of mischief. Another reinforcement of soldiery attempted, in vain, to reach and rescue their comrades, and simultaneous attacks on the front and rear of the people were now threatened. At this moment a party of officers interfered, and the military were ordered to their barracks, and the "BATTLE OF GOLDEN HILL" ended.<sup>1</sup>

In this first conflict of the War of the American Revolution, both the military and the citizens suffered severely. Francis Field, a Friend, was wounded in the cheek while standing in his own door. Three other citizens were wounded, one was killed with a bayonet, and a sailor was cut down. The soldiers also were severely handled, and some of them were badly beaten.<sup>2</sup>

Massachusetts may refer, with honest pride, to her early sacrifice at Lexington, and to the massacre in

<sup>1</sup> See also Leake's Life of Lamb, pp. 55-58 : Dunlap's History of New York, I., p. 437 ; Gordon's History of the Am. Revolution, I., p. 300; Bancroft's History of United States, VI., p. 332; Davis's Sketch of the Old Bridewell (*Reminis. of the Park*, pp. 60-62).

<sup>2</sup> Leake's Life of Lamb, pp. 56-57 : Davis's Sketch, &c.



King-street, in March, 1770; but to the city of New York justly belongs the honor of laying the first offering on the altar of her country.

Among those who responded to the call of his country, and struggled for the mastery with the armed soldiery on Golden Hill, was a chairmaker's apprentice, named Michael Smith. Small in stature and a minor, he was, nevertheless, every inch a man; and when the messengers from the Hill reached his shop in Broad-street, he seized the turned leg of a chair, and with that as his only weapon, he ran to the scene of strife. A native of this city, the story of her wrongs was familiar to his ears; and he had expressed his sympathy for her cause by uniting with one of the train-bands which had been organized for her defence. With a degree of courage which did him honor, he had no sooner reached the field than he attacked a grenadier with his club: and with such success did he wield his chair-leg, that his victim speedily surrendered. The musket, belts, bayonet, and cartridge-box of the grenadier were his trophies; and when the close of the affray allowed his return to his home, the accoutrements which he wore dragged on the floor of the dwelling. From that moment he ceased to be an apprentice; and when the Colony organized its First regiment, *without bounty or persuasion, he entered the service of his country.* The trusty musket and bayonet which he had taken from the British grenadier, became his constant companions; and when peace and the independence of his country were secured, he returned to the walks of private life. Ninety-six years were the measure of his days; and at a recent date,<sup>1</sup> surrounded

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<sup>1</sup> He was born in Beaver-street, New York, May 3, 1750, and he died in Grand-street, in this city, April 24, 1846. It will be seen that the apprentice was twenty years old at the time of this affray.



by his grandchildren and their children,—the last of the Sons of Liberty in New York—he surrendered his spirit into the hands of his Maker. The old musket—the trophy of his boyish gallantry, the companion of his manhood, the friend of his old age—still lingers among his great-grandchildren; and the privilege has been given to me, Mr. President, to exhibit it to the Society. Like most of the veterans of the War of the Revolution, who are still spared as mementoes of the past, if not like all of them, it is quite rusty, and much the worse for wear; but, as it is, undoubtedly, the first trophy of the war, it merits your respectful consideration.

About noon, the next day, (*Jan. 19, 1770,*) the troubles were renewed: and a party of sailors, and one of soldiers, joined in the affray. One of the seamen was run through with a bayonet: and when the Mayor came on the ground, and ordered the troops to disperse, his order was entirely disregarded. Again the summons passed through the streets, and, once more, the Sons of Liberty hastened to the rescue; but the soldiers recollecting the reception they had met with on the preceding day, hastily retired. In the afternoon of the same day, a party of troops attacked a number of citizens who had assembled on the Common, opposite the New Jail; and a desperate conflict ensued. Heavy blows were given and received: some of the assailants were disarmed, and all were driven back to their quarters.<sup>1</sup>

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1 "We are all in Confusion in this City; the Soldiers have cut and blowed up Liberty-Pole, and have caused much Trouble between the Inhabitants: On Friday last between Burling Slip and Fly Market, was an Engagement between the Inhabitants and the Soldiers, when much Blood was spilt: One Sailor got run through the Body, who since died: One man got his Skull ent in the most cruel manner. On Saturday the Hall Bell rang for an alarm, when was another Battle between the Inhabitants and Soldiers; but the Soldiers met with Rubbers, the chiefest Part



[The narrative of all the subsequent movements of the "Sons of Liberty," embracing the purchase of land on which to erect the fifth Liberty-Pole; the purchase of Bicker's Hampden Hall, for a place of meeting; the attack on the fifth Liberty-Pole, by the soldiers, and its defence by the citizens; the "dealing" with Nathan Rogers, for violating the agreement, May 10, 1770; the contest of the Sons with the Committee of One Hundred, May and June, 1770; the Tea troubles in New York, and the Destruction of the tea, on the "*London*," by the Sons of Liberty; the renewal of the Agreement, May 16, 1774: the appointment of the Committee of Fifty-one, May 19, 1774, its treachery to the popular cause, and "the great meeting in the Fields," July 6, 1774, at which the people condemned its conduct; the election of Delegates to the General Congress, April 20, 1775; their "dealing" with Cunningham, subsequently Provost-Marshal under the British; the seizure of the sloop laden with lumber, intended for the troops at Boston, and of the stores at Turtle Bay; the establishment of a provisional government in this city, the seizure of the arms and of the Custom-house, and the action in Broad-street, April, 1775; and several other minor matters, were omitted, when the paper was read, for want of time.]

being Sailors with Clubs to revenge the Death of their Brother, which they did with Courage, and made them all run to their Barracks. What will be the end of this, God knows?"—*Letter from New York, Jan. 22, 1770,* published in "*The St. James Chronicle, or British Evening Post.*" No. 1412, London, March 15, 1770.

"An ill-humor has been artfully worked up between the Towns-people and soldiers, which produced several affrays, and daily, by means of wicked incendiaries, grew more serious. At last some Towns-people began to arm, and the Soldiers rushed from their Barracks to support their fellow Soldiers. Had it not been for the interposition of the magistrates, and of the most respectable inhabitants, and of the Officers of the Army, it had become a very dangerous affair—as it was, only a few wounds and bruises were received on both sides."—*Lieut. Gov. Colden's Despatch to the Home Government.* No. 9, New York, 21 Feb., 1770.

### ERRATA.

The distance between the residence of the author of this tract, and the place where it has been printed, added to causes over which the author has had no control, has rendered it probable that, here and there, especially in the foot-notes, there may be typographical errors in the preceding pages.

To that portion of the work embraced between pages 81 and 96, both inclusive, however, the above remarks do not, in the least, apply. The printers assumed the responsibility of sprinkling "*Ibid*" over the foot-notes in that portion of the work, *without consulting the author*, and of sending the entire form to press *without his corrections*; and, as they have refused to correct the injustice which they have thus inflicted, and as the author has no control over the subject, to secure the corrections, he thus cautions the reader against the *authorities* which the printers have thus cited in support of *his statements*.

Morrisania, Nov. 14, 1860.

HENRY B. DAWSON.





1877











